



CITY COUNCIL AGENDA
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

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— **CALL TO ORDER**

MINUTES:

PRESENT: MAYOR GOODMAN (excused from the afternoon session at 4:13 p.m.) and COUNCILMEMBERS REESE, BROWN (excused from the morning session until 9:09 a.m. and from the afternoon session at 4:21 p.m.), WEEKLY (excused from the afternoon session at 4:13 p.m.), MACK, MONCRIEF, and WOLFSON

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY MANAGER BETSY FRETWELL, CITY ATTORNEY BRAD JERBIC, DEPUTY CITY ATTORNEY TOM GREEN, DEPUTY CITY ATTORNEY BRYAN SCOTT (P.M. Session), and CITY CLERK BARBARA JO RONEMUS

— **ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW**

MINUTES:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(9:04)

1-1

— **INVOCATION - REVEREND BONNIE POLLEY, CHRIST EPISCOPAL CHURCH**

MINUTES:

REVEREND BONNIE POLLEY, Christ Episcopal Church, gave the invocation.

(9:04 - 9:05)

1-20

— **PLEDGE OF ALLEGIANCE**

MINUTES:

MAYOR GOODMAN led the audience in the Pledge.

(9:05 - 9:07)

1-57

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ CONSENT ☐ DISCUSSION

SUBJECT:

CEREMONIAL

RECOGNITION OF THE EMPLOYEE OF THE MONTH

BACKUP DOCUMENTATION:

Submitted at meeting: copy of face of October 2004 Employee of the Month plaque for Brian Wojtkowiak

MOTION:

None required. A presentation was made.

MINUTES:

MAYOR GOODMAN called forward ACTING CHIEF JUDGE CEDRIC KERNS, Municipal Court, to assist him in recognizing BRIAN WOJTKOWIAK, a former Marine and Gulf War veteran, as October's Employee of the Month for his dedication to his job. MR. WOJTKOWIAK was originally hired under a Federally funded Violence Against Women Act grant and is now a marshal in the Courtroom Operations Division of Municipal Court. He has located, arrested, and booked the subjects of 607 domestic violence warrants, exceeding the ambitious goal set forth under the grant. Additionally, he has secured 432 warrants by means other than booking and 259 non-domestic-violence warrants. During his tenure with the City, he has never taken a sick day and has never complained about having to work alone most of the time.

ACTING CHIEF JUDGE KERNS said that when he and JUDGE BERT BROWN came up with the idea of the Probation program, they knew they needed someone as ambitious as MR. WOJTKOWIAK to fill the position. Because of MR. WOJTKOWIAK'S efforts, the Court was able to get the grant extended for two more years, saving taxpayers a lot of money. He extended congratulations on behalf of himself and CHIEF JUDGE TOY GREGORY, who could not be present.

MR. WOJTKOWIAK said that this is a great program. Hopefully the grant, which is due to expire in June 2005, will be renewed.

(9:07 - 9:11)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

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CONSENT

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DISCUSSION

SUBJECT:

CEREMONIAL

RECOGNITION OF THE 45TH ANNIVERSARY OF THE FOLIES BERGERE

MOTION:

None required. A presentation was made.

MINUTES:

JERRY JACKSON, Producer, Director, and Choreographer, and GINNY MURPHY, Entertainment Director, for the Tropicana Resort and Casino, as well as five of the show's performers joined MAYOR GOODMAN to recognize the 45th Anniversary of the Folies Bergere. The Mayor said that this show has been an institution in this community since 1959. LOU WALTERS brought the revue direct from Paris to the Las Vegas Strip and was an overnight hit. The revue still attracts more than 40,000 people a month from around the world. The Mayor presented MS. MURPHY with the Key to the City and said that hopefully the Folies will be part of the centennial celebration.

MS. MURPHY said the show has touched many people's lives. As the entertainment capital of the world, the 100-member-crew of the show breathe it, speak it, and live it and are true ambassadors for the City of Las Vegas. MR. JACKSON said he has designed costumes for over 35 years. It is a primo job because he gets to work with amazing people. One of the dancers thanked the Councilmembers for the recognition and said that she loves being part of the Folies Bergere.

(9:11 - 9:17)

1-196

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ CONSENT

☐ DISCUSSION

SUBJECT:

CEREMONIAL

RECOGNITION OF OUTSTANDING COMMUNITY SERVICE IN WARD 6

BACKUP DOCUMENTATION:

Submitted at meeting: copy of Certificates of Appreciation for Stephen Henry and Trina Moody of Wal-Mart Stores, Inc.

MOTION:

None required. A presentation was made.

MINUTES:

COUNCILMAN MACK recognized TRINA MOODY and STEPHEN HENRY of Wal-Mart Stores, Inc., for always responding to calls for help to the community, especially with back-to-school events. They each received a Certificate of Appreciation. MS. MOODY said that the staff at Wal-Mart loves to give back to the community. She is glad to work for a company that gives her that opportunity.

MR. HENRY thanked Wal-Mart and the Council for letting them be part of the community by helping whenever and wherever possible. He could not think of a better community to be involved with than the City of Las Vegas.

(9:17 - 9:21)

1-419

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

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CONSENT

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DISCUSSION

SUBJECT:

CEREMONIAL

RECOGNITION OF TEACH FOR AMERICA WEEK

BACKUP DOCUMENTATION:

Submitted at meeting: unsigned copy of Proclamation proclaiming October 25-28, 2004, to be Teach for America Week

MOTION:

None required. A presentation was made.

MINUTES:

CHUCK SALTER, Executive Director of Teach for America, joined MAYOR GOODMAN to recognize Teach for America Week. The Mayor explained that this involves a nationwide effort to get elected officials, community leaders, and celebrities involved with local education. Leaders from all walks of life spend an hour of their time teaching children in some of the lowest-income communities in the nation. Since the program's launch in 1997, thousands of students and community leaders have participated in this program. Several Councilmembers were looking forward to visiting some of the local schools. The Mayor issued the proclamation and proclaimed the week of October 25-28, 2004, as Teach For America Week in the City of Las Vegas.

MR. SALTER said that he was happy to bring recognition to this program and is honored to serve the students of Clark County.

(9:21 - 9:23)

1-528

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

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CONSENT

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DISCUSSION

SUBJECT:

BUSINESS ITEMS:

Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

MOTION:

REESE - Motion to bring forward and STRIKE Item 45 and Hold in ABEYANCE Item 48 to 11/3/2004 - UNANIMOUS

MINUTES:

There was no discussion.

(9:23 - 9:24)

1-628

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

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CONSENT

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DISCUSSION

SUBJECT:

BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council Meeting of August 4, 2004

MOTION:

REESE - APPROVED by Reference - UNANIMOUS

MINUTES:

There was no discussion.

(9:24)

1-652

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: ADMINISTRATIVE

DIRECTOR: ELIZABETH FRETWELL

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CONSENT

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DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Approval and ratification of the contract between the City of Las Vegas and the Las Vegas Peace Officers Association (LVPOA) and the associated Trust Acceptance and Contract Data document for health insurance benefits (\$4.2 Million - General Fund) - All Wards

Fiscal Impact:

☐

No Impact

Amount:

\$4,200,000.00

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Budget Funds Available

Dept./Division:

City Manager

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Augmentation Required

Funding Source:

General Fund

PURPOSE/BACKGROUND:

In the Collective Bargaining Agreement Summary, the City has reached a five-year agreement with the LVPOA. General Fund impact of the contract over the 5 years is \$4.2M. The FY05 impact is \$2.8M of which \$2.2M is already budgeted. The additional \$600K will require augmentation. The Trust Acceptance and Contract Data document summarizes the health insurance benefit cost and monthly premium for each LVPOA member through June 16, 2007.

RECOMMENDATION:

Ratify all of the provisions of the negotiated agreement of the City of Las Vegas and the LVPOA contract and the associated Trust Acceptance and Contract Data document for health insurance benefits.

BACKUP DOCUMENTATION:

1. Collective Bargaining Agreement Summary
2. Trust Acceptance and Contract Data Document

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

NOTE: COUNCILMAN MACK disclosed that the location involved in Item No. 8 is near a SuperPawn shop owned by his brother, Steven Mack. Item Nos. 15, 43, and 44 involve sites close to the Lady Luck Casino, with which his brother-in-law, Andrew Donner, has a contract related to its non-restricted gaming license, and the Third Street Promenade, in which his brother-in-law is a managing partner. COUNCILMAN MACK felt comfortable in voting on the aforementioned items, since he did not believe his relatives' interests would be impacted and since neither of them had mentioned these matters to him.

MINUTES:

COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

COUNCILMAN WEEKLY requested that Item No. 6 be pulled for discussion.

(9:24 - 9:26)

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact:

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No Impact

Amount:

\$68,167,430.44

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Budget Funds Available

Dept./Division:

Accounting Operations

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Augmentation Required

Funding Source:

All Funds

PURPOSE/BACKGROUND:

In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance and Business Services Department.

RECOMMENDATION:

BACKUP DOCUMENTATION:

Summary of cash expenditures for the period 09/16/04 - 09/30/04

Total Services and Materials Checks \$ 17,025,663.24

Total Payroll Checks \$ 5,749,145.68

Total Wire Transfers \$ 45,392,621.52

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval to transfer (reallocate) \$145,000 of Detention and Enforcement (D&E) Internal Affairs Division (IAD) Modular capital project funding and \$157,000 of D&E Unit 2 Yard Enclosure capital project funding to the D&E Culinary Upgrades capital project located at Stewart Avenue and Mojave Road in order to support the most recent Public Work's estimate and allow for bidding of the contract - Ward 3 (Reese)

Fiscal Impact:

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No Impact

Amount:

\$302,000.00

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Budget Funds Available

Dept./Division:

Detention and Enforcement

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Augmentation Required

Funding Source:

D&E Capital Projects Fund

PURPOSE/BACKGROUND:

The most recent Public Works estimate on the Detention Culinary Upgrade indicates a cost of \$2,205,000, including a 7 percent contingency. The Culinary project only has about \$1,928,000 in available funding, and therefore needs approximately \$277,000 in additional funding. By deferring the IAD Modular and Yard Enclosure projects, \$302,000 will be made available to allow this higher priority project to go to bid.

RECOMMENDATION:

That the City Council approve the reallocation of funds within the D&E Capital Project Fund.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of a Special Event License for Caribbean Fun Stop, Location: Caribbean Fun Stop, 1122 Fremont Street, Dates: October 22-24, 2004, Type: Special Event Beer/Wine/Cooler, Event: Birthday Party, Responsible Persons in Charge: Deanford Innis and Patsy Thomas - Ward 5 (Weekly)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of a Special Event License

RECOMMENDATION:

Recommend approval

BACKUP DOCUMENTATION:

None

MOTION:

WEEKLY - APPROVED authorizing the Manager of Business Services to limit the hours of operation - UNANIMOUS

MINUTES:

The applicants were present.

Under Item 3, COUNCILMAN WEEKLY requested this matter be pulled for discussion.

JIM DiFIORE, Manager, Business Services, explained that this matter was inadvertently placed on the Consent Agenda and should have been placed for discussion because it involves an application for a three-day birthday party starting on 10/22/2004 from 6:00 p.m. to 3:00 a.m. Earlier during the year a concern was reported to him from officers of the Downtown Area Command about frequent parties occurring at this location. On 2/6/2004 he and detectives from the Las Vegas Metropolitan Police Department (Metro) visited the premises and found about three cases of beer and several bottles of opened and unopened hard liquor. There was also a concern that food items were being served without a health permit. At that time MS. THOMAS was present. MR. INNIS was issued a citation for the consumption of alcohol on the premises without an alcoholic beverage license and no health permit. MS. THOMAS was subsequently issued a citation for not having a business license. The citation for the consumption of alcohol on the premises without an alcoholic beverage license was dismissed on negotiations and MR. INNIS pled "nolo" to not possessing a health permit. MS. THOMAS' citation is pending before the court. Due to the fact that these events occurred and the application is for a three-day birthday party, which he finds hard to believe such a lengthy celebration would take place, MR. DiFIORE recommended denial of the special event license.

MR. INNIS said that his business was previously located on Las Vegas Boulevard, but he was forced to relocate when the building was sold. He made application for his business at 1122 Fremont Street and

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

complied with all the requirements. Regarding the health permit, he explained that he made application for one at the Health District, but he was informed that he did not need one. He was then issued his license, which he has had for four years and has never had a problem. At the time MR. DiFIORE and the detectives went to the business, MS. THOMAS was the only one there, and she was given a business card to give to him so that he could call one of the detectives. When he received the card two days later, instead of calling, he visited the office on Bermuda. MR. DiFIORE and a detective escorted him into a room, where MR. DiFIORE confirmed with him that he was the owner of the Caribbean Fun Stop and informed him that he would do whatever in his power to shut the business down because it was a nuisance. Then the detective walked in and gave him three citations; for serving alcohol, for not having a health permit, and for having a pool table. He did not know that he needed a special license for a coin-operated pool table. He complained that was being given citations for permits he was told he does not need. MR. DiFIORE asserted that he is not a threatening-type person and refuted the comments of MR. INNIS regarding the meeting with Metro.

MAYOR GOODMAN questioned the reason for such a lengthy birthday party. MR. INNIS answered that the party is for five people born within the 10/22-24 period, so there will be five different parties. Liquor will be served, and that is why he applied for the special event license.

COUNCILMAN WEEKLY expressed his support for the special event license and asked MR. DiFIORE if he would like to recommend any special conditions. MR. DiFIORE deferred to SERGEANT ERIC FRICKER, Downtown Area Command, to express his concerns. SERGEANT FRICKER indicated that the business owner never conformed to anything, despite the numerous visits to the location and various citations. MR. INNIS does not know and is unable to comply with the liquor laws. He did not feel that MR. INNIS could control the property. Given the number of hours requested, SERGEANT FRICKER suggested MR. INNIS be required to hire Special Events personnel to help him control the party crowd. He opined that MR. INNIS does not understand exactly what Metro and Business Services is asking of him in order to be in compliance.

COUNCILMAN WEEKLY verified with MR. INNIS that there is no alcohol on the premises when minors are present, and then asked him if he is willing to work with Special Events to make sure that this event is run safely. MR. INNIS said that he would do whatever he needs to do to have the party and make sure it is safe, because he has a family too and a life to live. COUNCILMAN WEEKLY then instructed MR. DiFIORE to work with MR. INNIS and to limit the hours if necessary.

MAYOR GOODMAN advised MR. INNIS to work with City staff and the authorities so that his business can succeed.

(9:26 - 9:41)

1-1252

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of Change of Ownership, Location and Business Name for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, From: Darnic, Inc., dba Tongue N Groove, 713 East Ogden Avenue (Non-operational), Teri G. Galardi, Dir, Pres, Secy, Treas, 100%, To: JCK Ventures, LLC, dba Heights, 465 South Decatur Boulevard, Lorri A. Campbell, Mgr, The JCK Family Trust, Mmbr, 95%, Lorri A. Campbell, Trustee, Candace L. Campbell, Mmbr, 5% - Ward 1 (Moncrief)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership, Location and Business Name for a Tavern License

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes and Health Dept. regulations

BACKUP DOCUMENTATION:

Map

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire and planning codes and Health Dept. regulations, From: Westronics, Inc., dba Honest John's "I'm Back!" Casino, Bar & Restaurant, 2430 Las Vegas Boulevard South (Non-operational), Claudia D. Wichinsky, Dir, Pres, Treas, 50%, Glenn E. Wichinsky, Dir, Secy, 50%, To: Nelson M. Maldonado, dba Bar Vertigo, 2025 East Charleston Boulevard, Nelson M. Maldonado, 100%, Mark M. Mintz, Lender - Ward 3 (Reese)

Fiscal Impact:

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots

RECOMMENDATION:

Recommend approval subject to the provisions of the fire and planning codes and Health Dept. regulations

BACKUP DOCUMENTATION:

Map

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

NOTE: Under Item 3, COUNCILMAN MACK disclosed that the location involved in Item No. 8 is near a SuperPawn shop owned by his brother, Steven Mack. Item Nos. 15, 43, and 44 involve sites close to the Lady Luck Casino, with which his brother-in-law, Andrew Donner, has a contract related to its non-restricted gaming license, and the Third Street Promenade, in which his brother-in-law is a managing partner. COUNCILMAN MACK felt comfortable in voting on the aforementioned items, since he did not believe his relatives' interests would be impacted and since neither of them had mentioned these matters to him.

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of a new Restricted Gaming License for 5 slots subject to confirmation of approval by the Nevada Gaming Commission, Costello Marketing, LLC, dba Wash N' Save Laundromat, 235 North Eastern Avenue, Suite 124, Michael J. Costello, Mgr, Mmbr, 50%, Gail A. Costello, Mmbr, 50%, Margaret R. Symons, Key Employee - Ward 3 (Reese)

Fiscal Impact:

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of a new Restricted Gaming License for 5 slots

RECOMMENDATION:

Recommend approval subject to confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

1. Letter from Mike Costello
2. Map

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of Change of Location for a Locksmith License, Charlie's Lock & Key, LLC, dba Charlie's Lock & Key, LLC, From: 232 North Jones Boulevard, 186, To: 29 North 28th Street, 5B, Susan M. Moses, Mgr, 51%, Charles M. Moses, Mgr, 49% - Ward 3 (Reese)

Fiscal Impact:

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Location for a Locksmith License

RECOMMENDATION:

Recommend approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of Change of Ownership and Business Name for a Class III-B Secondhand Dealer License, From: Progressive Pallets, Inc., dba Progressive Pallets, Inc., James E. Crow, Dir, Pres, 100%, To: Image Pallets, LLC, dba Progressive Pallets, 1080 South Commerce Street, Image Investments, Inc., Mgr, Mmbr, 80%, Robert E. Pippen, Dir, Pres, 100%, Progressive Pallets, Inc., Mgr, Mmbr, 20%, James E. Crow, Dir, Pres, 100% - Ward 1 (Moncrief)

Fiscal Impact:

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership and Business Name for a Class III-B Secondhand Dealer License

RECOMMENDATION:

Recommend approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of award of Bid No. 05.1730.07-LED, Traffic Improvements Package #5 - Federal Project No. STP-0159(009) and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: WELLS CARGO, INC. (\$2,479,353.60 - Road and Flood Capital Project Fund) - Wards 2, 4 and 6 (Wolfson, Brown and Mack)

Fiscal Impact:

☐

No Impact

Amount:

\$2,479,353.60

☒

Budget Funds Available

Dept./Division:

Public Works

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Augmentation Required

Funding Source:

Road and Flood CPF

PURPOSE/BACKGROUND:

This project includes improvements to four intersections: Charleston Blvd. and Fort Apache Road/Rampart Blvd; Alta Drive and Rampart Blvd; Cheyenne Avenue and Tenaya Way; and Cheyenne Avenue and Decatur Blvd. Work consist of constructing dual left turn and exclusive right turn lanes as indicated on the plans, traffic signal relocation, including new foundations, poles, mast arm, installing cabinets and various other roadway improvements at the four intersections.

PCC: L. E. Davis

POC: Guy Wells - (702) 876-0659

RECOMMENDATION:

That the City Council approve the award of Bid No. 05.1730.07-LED, Traffic Improvements to Wells Cargo, Inc. in the amount of \$2,479,353.60 and approve a construction conflicts and contingency reserve of \$247,935. Authority to execute the Contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Approval of authorization to use Clark County Bid Number 5619-04 for Scott Eagle Imaging 160 Thermal Imaging Cameras - Department of Fire and Rescue - Awarded to: FIRST IN, INC. (\$98,978 - Multipurpose Special Revenue Fund)

Fiscal Impact:

☐

No Impact

Amount:

\$98,978.00

☒

Budget Funds Available

Dept./Division:

Fire and Rescue

☐

Augmentation Required

Funding Source:

Multipurpose SRF

PURPOSE/BACKGROUND:

This agreement will allow the City of Las Vegas to use Clark County Bid Number 5619-04 for the purchase of 11 Scott Eagle Imaging 160 Thermal Imaging Cameras to be used by fire rescue personnel to rescue victims in smoke filled environments. This purchase is reimbursed 100% by a FY04 Urban Area Security Initiative (UASI) Grant. This purchase is exempt from the competitive bidding process pursuant to NRS 332.195, joinder or mutual use of contracts by local governments.

PCC: K. Falline

POC: Kimberly Cotter - (800) 352-4266

RECOMMENDATION:

That City Council approve the use of Clark County Bid Number 5619-04 for Scott Eagle Imaging 160 Thermal Imaging Cameras to First In, Inc in the amount of \$98,978. Authority to execute agreement is given to Purchasing Manager per 88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of issuance of purchase orders for the purchase of specialty printing paper stock for the City's Graphic Arts Division to satisfy the City's printing requirements - Department of Information Technologies, Graphic Arts - Award recommended to: VARIOUS SUPPLIERS (Estimated annual aggregate amount of \$90,000 - Graphic Arts Internal Service Fund)

Fiscal Impact:

☐

No Impact

Amount:

\$90,000.00

☒

Budget Funds Available

Dept./Division:

Information Technologies

☐

Augmentation Required

Funding Source:

Graphic Arts ISF

PURPOSE/BACKGROUND:

This request provides for annual requirements contracts for specialty printing paper stock to satisfy the City's printing requirements to the following suppliers for the period from date of award through September 30, 2005, with four (4) one-year options to renew.

PCC: G. Leaf

POC: Spicers Paper, Inc., Chuck Johnson - (702) 736-4441

POC: Unisource, Christopher Buckels - (702) 896-4500

POC: ARC Paper, LLC, Tyrone Tomak - (702) 399-3803

POC: Coast to Coast Label, Dana Anastasia - (800) 631-6501

RECOMMENDATION:

That the City Council approve the award of purchase orders for annual requirements contracts for specialty printing paper to suppliers listed from date of award through September 30, 2005 with four (4) one-year options to renew in the estimated annual aggregate amount of \$90,000.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of award of Contract No. 050108, Historic Preservation Consulting Services for the Post Office at 301 Stewart Ave. - Public Works - Award recommended to: CHATTEL ARCHITECTURE, PLANNING & PRESERVATION, INC. (\$44,720 - Parks and Leisure Activities Capital Project Fund) - Ward 5 (Weekly)

Fiscal Impact:

☐

No Impact

Amount:

\$44,720.00

☒

Budget Funds Available

Dept./Division:

Public Works

☐

Augmentation Required

Funding Source:

Parks and Leisure Activities CPF

PURPOSE/BACKGROUND:

To provide historic preservation consulting services for the adaptive use of the Downtown Post Office and Courthouse as a cultural facility. This requirement is exempt from competitive bidding process pursuant to NRS 332.155.1(b), professional services.

PCC: D. Kaplan

POC: Robert Chattel - (818) 788-7954

RECOMMENDATION:

That the City Council approve award of Contract No. 050108 for historic preservation services to Chattel Architecture, Planning & Preservation, Inc. for the period of October 20, 2004 to December 30, 2004 for \$44,720. Authority to execute the Contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

Certificate - Disclosure of Ownership/Principals

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

NOTE: Under Item 3, COUNCILMAN MACK disclosed that the location involved in Item No. 8 is near a SuperPawn shop owned by his brother, Steven Mack. Item Nos. 15, 43, and 44 involve sites close to the Lady Luck Casino, with which his brother-in-law, Andrew Donner, has a contract related to its non-restricted gaming license, and the Third Street Promenade, in which his brother-in-law is a managing partner. COUNCILMAN MACK felt comfortable in voting on the aforementioned items, since he did not believe his relatives' interests would be impacted and since neither of them had mentioned these matters to him.

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of award of Macromedia Software End User License Agreement (including indemnification provision) - Department of Information Technologies - Award recommended to: MARKETWARE TECHNOLOGIES (\$1,068 - Computer Services Internal Service Fund)

Fiscal Impact:

☐

No Impact

Amount:

\$1,068.00

☒

Budget Funds Available

Dept./Division:

Information Technologies

☐

Augmentation Required

Funding Source:

Computer Services ISF

PURPOSE/BACKGROUND:

This approval is to allow the Purchasing and Contracts Manager to sign an agreement for the purchase of Macromedia help documentation creation software. The agreement includes limited indemnification provisions in Paragraph 2 (f)(3), (g)(IV), and (h)(IV), which require City Council approval.

PCC: L. Wheeler

POC: Jason Graves - (858) 847-7541

RECOMMENDATION:

That the City Council approve award of Macromedia Software End User License Agreement to Marketware Technologies, which includes indemnification provisions. Authority to execute the agreement is given to the Purchasing Manager.

BACKUP DOCUMENTATION:

End User License Agreement (CLV Contract No. 050014)

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of revision to purchase order 212965 for Rental of Multi-Functional Devices - Department of Information Technologies - Award to: IKON OFFICE SOLUTIONS (\$180,000 - Graphic Arts Internal Service Fund)

Fiscal Impact:

☐

No Impact

Amount:

\$180,000.00

☒

Budget Funds Available

Dept./Division:

Information Technologies

☐

Augmentation Required

Funding Source:

Graphic Arts ISF

PURPOSE/BACKGROUND:

On September 19, 2001, the City Council approved the award of a thirty-six month, City-wide contract for rental of multi-functional devices. The need for additional machines plus the funding needed to extend the contract through December 31, 2004, has increased the estimated amount by \$180,000.

PCC: C. White

POC: David Denny - (702) 798-3366

RECOMMENDATION:

That the City Council approve the issuance of a revision to purchase order 212965 for rental of multi-functional devices in the amount of \$180,000, for a revised estimated total contract amount of \$1,459,800 through December 31, 2004, to Ikon Office Solutions.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of award of Bid No. 050104-TB, Annual Requirements Contract for Liquid Polymer - Department of Public Works - Award recommended to: CIBA SPECIALTY CHEMICALS CORPORATION (Estimated annual amount of \$1,000,000 - Sanitation Enterprise Fund)

Fiscal Impact:

☐

No Impact

Amount:

\$1,000,000.00

☒

Budget Funds Available

Dept./Division:

Public Works

☐

Augmentation Required

Funding Source:

Sanitation Enterprise Fund

PURPOSE/BACKGROUND:

This request is for an annual requirements contract to purchase bulk liquid polymer to be used by Public Works Environmental Division at the Water Pollution Control Facility.

PCC: T. Bowman

POC: F. Gary Day - (757) 538-5172

RECOMMENDATION:

That the City Council approve the award of Bid No. 050104-TB, Annual Requirements Contract for Liquid Polymer to Ciba Specialty Chemicals Corporation from date of award through October 31, 2005 with four (4) one-year options to renew in the estimated annual amount of \$1,000,000.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FIRE & RESCUE

DIRECTOR: DAVID WASHINGTON

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval authorizing the Department of Fire & Rescue to execute a Secondary User's Agreement with the Clark County Health District for the transfer of interoperable radio equipment for public safety communications - All Wards

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Secondary User's Agreement between the City of Las Vegas and the Clark County Health District will facilitate the temporary transfer of radio equipment to enable interoperable communications between the Health District's staff and other public safety agencies in the region. This equipment was acquired through the FY2003 U.S. Department of Homeland Security Phase-II grant program. This agreement also authorizes the City to invoice the Clark County Health District annually for the user fee assessment for each radio activated on the regional radio system.

RECOMMENDATION:

Las Vegas Fire & Rescue recommends approval, with authorization for the department to execute the agreement.

BACKUP DOCUMENTATION:

Secondary User's Agreement

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FIRE & RESCUE

DIRECTOR: DAVID WASHINGTON

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval to accept a FY2004 Congressionally Mandated Grant Award in the amount of \$395,750 for public safety interoperable communications projects - All Wards

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This FY2004 Congressionally Mandated Grant Award in the amount of \$395,750 will be used for several projects in the City's continued effort to enhance interoperable public safety communications. Projects include wireless data transfer from emergency scenes, crisis management software, videoconferencing to coordinate disaster response and enhanced emergency public alerting through KCLV Channel 2.

RECOMMENDATION:

Las Vegas Fire & Rescue recommends approval.

BACKUP DOCUMENTATION:

Grant Award No. 2004-DD-BX-1452 and Supporting Attachments

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FIRE & RESCUE

DIRECTOR: DAVID WASHINGTON

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CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Memorandum of Understanding between the City of Las Vegas and the Volunteer Center of Southern Nevada for the transfer of U.S. Department of Homeland Security grant funds in the amount of \$6,110 to support volunteer management services - All Wards

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Memorandum between the City of Las Vegas and the Southern Nevada Volunteer Center will facilitate the transfer of \$6,110 from the City to support the Center's volunteer management services used during emergencies and disasters. These funds are from the FY2004 U.S. Department of Homeland Security Citizen Corps Program grant.

RECOMMENDATION:

Las Vegas Fire & Rescue recommends approval.

BACKUP DOCUMENTATION:

Memorandum of Understanding

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: HUMAN RESOURCES

DIRECTOR: F. CLAUDETTE ENUS

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval to create one temporary full time Office Specialist I position to support the Centennial Celebration Committee in the City Manager's Office (\$50,100 - Centennial Funds) - All Wards

Fiscal Impact:

<input type="checkbox"/>	No Impact	Amount:	\$50,100.00
<input checked="" type="checkbox"/>	Budget Funds Available	Dept./Division:	City Manager's Office/Centennial Celebration
<input type="checkbox"/>	Augmentation Required	Funding Source:	Centennial Funds

PURPOSE/BACKGROUND:

The Centennial Office manages a 33 member board, 300 events, international and national press, valley wide participation and multiple Chambers of Commerce as well as managing and administering 7 large comprehensive contracts that include a PBS documentary, public relations firm, Clear Channel Entertainment, music and distribution, merchandising, outside council and web hosting with Review Journal.

The position is responsible for managing the monthly board meeting including creating & posting agendas, set up & break down of meeting and minutes, in accordance with Nevada Open meeting Laws. The position is responsible for heavy volume of public inquiry about 50-60 calls a day and anticipated to increase and is also assistant to the executive director and other staff for clerical needs. The position also manages small projects and can work independently. Funding for this employee will be through the Centennial License Plate Revenue (admin) and merchandise revenue (2005).

RECOMMENDATION:

It is recommended that the creation of one temporary full time Office Specialist I position to support the Centennial Celebration Committee in the City Manager's Office be approved.

BACKUP DOCUMENTATION:

Human Resource Employee/Position Request (EPR) 0688CM

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Grant Deed from F & F Horizons Associates, LLC, a Delaware limited liability company, for portions of the Southeast Quarter of Section 32, Township 20 South, Range 60 East, Mount Diablo Meridian, for dedication of additional rights-of-way for a right turn lane and bus turnout located at the northwest corner of Charleston Boulevard and Durango Drive, APN 138-32-801-001 - Ward 2 (Wolfson)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Easements and Rights-of-Way Grant to the Las Vegas Valley Water District, a Quasi-Municipal Corporation for a portion of the Southeast Quarter of Section 25, Township 20 South, Range 61 East, Mount Diablo Meridian for a water easement (15 feet by 20 feet) on the south side of Washington Avenue, west of Pecos Road to serve the Freedom Park Pool, APN 139-25-701-002 - Ward 3 (Reese)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

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DISCUSSION

SUBJECT:

Approval of Interlocal Agreement 109129 Amendment 1 with the Las Vegas Valley Water District (District) for the City of Las Vegas Special Improvement District 1487 as part of the Jones Boulevard - Beltway to Elkhorn project - Ward 6 (Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This amendment is needed to increase the maximum amount of funds that may be refunded to the City of Las Vegas upon the Las Vegas Valley Water District's receipt of frontage connection charges in accordance with their service rules for direct connections to the water main(s) installed under this agreement.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Interlocal Agreement 109129 Amendment 1

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Non-refundable Contribution in Aid of Construction Agreement with Nevada Power Company to facilitate relocation of a Nevada Power Company switchgear near the corner of Durango Drive and Vegas Drive (\$36,426 - Regional Transportation Commission [RTC]) - Wards 2 and 4 (Wolfson and Brown)

Fiscal Impact:

☐

No Impact

Amount:

\$36,426.00

☒

Budget Funds Available

Dept./Division:

Public Works/City Engineer

☐

Augmentation Required

Funding Source:

RTC

PURPOSE/BACKGROUND:

The relocation of Nevada Power Company's switchgear is necessary for construction of the Durango Drive - Westcliff Drive to Vegas Drive project.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Non-refundable Contribution in Aid of Construction Agreement

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Rule 9 Line Extension Agreement with Nevada Power Company for the installation of utility for electric services to provide power for streetlights at the Elkhorn Overpass over US95 construction project (\$13,526 - Regional Transportation Commission [RTC]) - Ward 6 (Mack)

Fiscal Impact:

<input type="checkbox"/>	No Impact	Amount:	\$13,526.00
<input checked="" type="checkbox"/>	Budget Funds Available	Dept./Division:	Public Works/City Engineer
<input type="checkbox"/>	Augmentation Required	Funding Source:	RTC

PURPOSE/BACKGROUND:

The City is constructing the Elkhorn Overpass over US95 in conjunction with the Nevada Department of Transportation. This agreement is necessary so that Nevada Power Company can provide service for streetlights to be constructed with the project.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Rule 9 Line Extension Agreement

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

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CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Southwest Engineering on behalf of White Horse Estates, LLC, owners (northeast corner of Elkhorn Road and Torrey Pines Boulevard, APN 125-14-801-001) - County (near Ward 6 - Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect 80 single-family dwellings located at the northeast corner of Elkhorn Road and Torrey Pines Boulevard. The owners propose to connect to the 18-inch sewer line located in Elkhorn Road. The Planning Department has determined the project does conform to the City's General Plan for the area; there is sufficient capacity in the City Sanitary Sewer. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area and cannot be annexed to the City.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted after meeting - Interlocal Contract

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Encroachment Request from D. R. Horton, Incorporated, owner (northeast corner of Fort Apache Road and Gilcrease Avenue) - Ward 6 (Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is for Landscaping of the medians and the west side of Fort Apache Road, the medians and the south side of Grand Teton Drive and the north side of Gilcrease Avenue adjacent to the site which will consist of landscaping and irrigation that will meet Town Center landscaping requirements for the proposed Fort Apache Ranch subdivision. If approved, the applicant will be required to sign an Encroachment Agreement which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (northwest corner of Fort Apache Road and Gilcrease Avenue)

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

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CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Encroachment Request from Slater Hanifan Group on behalf of Pardee Homes Nevada, Incorporated, owner (Tee Pee Lane between Deer Springs Way and Dorrell Lane) - Ward 6 (Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is for landscaping on the west side of Tee Pee Lane between Deer Springs Way and Dorrell Lane consisting of landscaping and irrigation to meet Town Center landscaping requirements for the proposed Pardee Town Center Assemblage R-PD5 55 3. If approved, the applicant will be required to sign an Encroachment Agreement which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (northwest corner of Tee Pee Lane and Deer Springs Way)
2. Copy of Encroachment Exhibit "B" (Tee Pee Lane between Haley Avenue and Dorrell Lane)

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

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CONSENT

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DISCUSSION

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - VTN Nevada on behalf of Quarterhorse Falls Estates, LLC, owners (northeast corner of Horse Drive and Mustang Street, APN 125-11-603-001 and 125-11-603-002) - County (near Ward 6 - Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect 19 single-family dwellings located at the northeast corner of Horse Drive and Mustang Street. The owner proposes to connect to an 8-inch sewer line located in Horse Drive and provide sewer stubs to the southwest and northeast corner of the development. The Planning Department has determined the project does conform to the City's General Plan for the area; there is sufficient capacity in the City Sanitary Sewer. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Annexation Exceptions area and cannot be annexed to the City.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted after meeting - Interlocal Contract

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Encroachment Request from Orion Engineering and Surveying, Incorporated, on behalf of Plaster Development Company, Incorporated, owner (Shadow Lane north of Alta Drive) - Ward 5 (Weekly)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is for Traffic calming devices on Shadow Lane consisting of four areas of landscaping, each approximately 183 square feet with two on the east side and two on the west side. There will also be two landscaped medians of approximately 172 square feet each. The southern most median will have a monument sign. The landscaping shall consist of crushed rock for the proposed Shadow Lane Unit 1 subdivision. If approved, the applicant will be required to sign an Encroachment Agreement which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (vicinity map)
2. Copy of Encroachment Exhibit "B" (Shadow Lane)
3. Copy of Encroachment Exhibit "C" (Shadow Lane typical section)

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Southwest Engineering on behalf of White Horse Estates, LLC, owners (southwest corner of Torrey Pines Boulevard and Severance Lane, APN 125-14-403-001, 125-14-403-002, 125-14-403-003, and 125-14-403-004) - County (near Ward 6 - Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect 20-single family dwellings located at the southwest corner of Torrey Pines Boulevard and Severance Lane. The owners propose to connect to an existing 18-inch sewer line located in Elkhorn Road and provide public sewer stubs to the northern and western edges of the development. The Planning Department determined the project does conform to the City's General Plan. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area and cannot be annexed to the City.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted after meeting - Interlocal Contract

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Interlocal Agreement 110449 with the Las Vegas Valley Water District for water service at Freedom Park Pool and Bathhouse (\$86,126 - Recreation Capital Projects Fund) - Ward 3 (Reese)

Fiscal Impact:

☐

No Impact

Amount:

\$86,126.00

☒

Budget Funds Available

Dept./Division:

Public Works/Eng. Integration

☐

Augmentation Required

Funding Source:

Recreation Capital Projects Fund

PURPOSE/BACKGROUND:

A necessary part of this project is the installation of water service. Before the Las Vegas Valley Water District will sign the service connection documents and allow the City to install the water service, the Interlocal Agreement with conditional water commitments must be executed and the required fees paid.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Interlocal Agreement 110449

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-152-2004 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$308,608.02 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

Fiscal Impact:

☐

No Impact

Amount:

\$308,608.02

☒

Budget Funds Available

Dept./Division:

Public Works/SID

☐

Augmentation Required

Funding Source:

Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

This resolution directs the City Engineer and Engineering Integration Division to prepare the Final Assessment Roll for the construction and installation of pavement, curb and gutter, sidewalk, driveways, streetlights, water laterals, water mains, sewer laterals, and sewer mains.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-152-2004

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-153-2004 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the Final Assessment Roll will be heard for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$308,608.02 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

Fiscal Impact:

☐

No Impact

Amount:

\$308,608.02

☒

Budget Funds Available

Dept./Division:

Public Works/SID

☐

Augmentation Required

Funding Source:

Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

This resolution defines the time and place for a public hearing on the Final Assessment Roll for the construction and installation of pavement, curb and gutter, sidewalk, driveways, streetlights, water laterals, water mains, sewer laterals, and sewer mains.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-153-2004

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-154-2004 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

Fiscal Impact:

☐

No Impact

Amount:

\$12,759.92

☒

Budget Funds Available

Dept./Division:

Public Works/SID

☐

Augmentation Required

Funding Source:

Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

This resolution directs the City Engineer and Engineering Integration Division to prepare the Final Assessment Roll for the construction and installation of pavement, curb and gutter, sidewalk, and streetlights.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-154-2004

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-155-2004 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the Final Assessment Roll will be heard for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

Fiscal Impact:

☐

No Impact

Amount:

\$12,759.92

☒

Budget Funds Available

Dept./Division:

Public Works/SID

☐

Augmentation Required

Funding Source:

Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

This resolution defines the time and place for a public hearing on the Final Assessment Roll for the construction and installation of pavement, curb and gutter, sidewalk, and streetlights.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-155-2004

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-156-2004 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1499 - Alexander Road (US-95 to Rancho Drive) (\$78,002.48 - Capital Projects Fund/Special Assessments) - Ward 6 (Mack)

Fiscal Impact:

☐

No Impact

Amount:

\$78,002.48

☒

Budget Funds Available

Dept./Division:

Public Works/SID

☐

Augmentation Required

Funding Source:

Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

This project consists of the construction and installation of pavement, curb and gutter, sidewalk, water laterals, and streetlights. The interest rate for the district established by this resolution is 5.66 percent. The assessments will be paid over a 10-year period.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-156-2004

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-157-2004 - Approval of a resolution directing the City Treasurer to give notice of the sale of a property (Parcel Number 139-28-201-001) located on the northeast corner of Washington Avenue and Tonopah Drive for which the City holds a Certificate of Sale as the result of the foreclosure of an assessment lien, and providing other matters properly relating thereto - Ward 5 (Weekly)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City plans to sell a property, Parcel Number 139-28-201-00, for which the City has held the Certificate of Sale since February 26, 1997. The City has attempted to negotiate a payment plan with the property owners without success. The bonds for this district have been paid in full, and pursuant to NRS 271.620, the City Council must direct the City Treasurer to proceed to offer the property for sale to the highest bidder who bids an amount above the minimum bid to be established by the Treasurer.

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R-157-2004

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Approval of entering into negotiations with Investment Equity Development (IED) for the sale of approximately 4.58 acres of City owned land located in the vicinity of Cheyenne Avenue and Durango Drive, APNs 138-08-801-006 and -007 for development of an office park - Ward 4 (Brown)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City of Las Vegas (CLV) purchased the APNs in 1997 in conjunction with the development of Durango Hills Golf Course. CLV wishes to sell the APNs consisting of approximately 4.58 acres and has marketed the APNs for sale since February 2004. IED submitted a Letter of Intent for consideration on July 21, 2004. IED is interested in developing an office park that would be complementary to the surrounding area. CLV would like to continue the negotiation process in hopes of bringing back a Purchase and Sales Agreement for consideration.

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

1. July 21, 2004, Letter of Intent
2. Site Map
3. Schematic Design Site Plan

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

Under Item 3, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Approval of a Land Lease Agreement between the City of Las Vegas and Southwestco Wireless, LP, d/b/a Verizon Wireless, by Southwestco Wireless, Inc., for a wireless communications system located on approximately 200 square feet of property located at 7151 Oso Blanca Road, commonly known as Mountain Ridge Park (\$386,880 revenue for duration of contract) - Ward 6 (Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

On 9/3/03, Council approved staff entering into negotiations with multiple cellular companies for future cell tower land leases. This contract is for 200 square feet and will construct an antenna atop an existing light pole and foundation, equipment shelter and security fencing. Verizon Wireless shall pay the City a one-time administrative fee of \$1,000, construction costs of \$8,000 and the yearly rent will start at \$14,400. The initial term is for five years with three five-year options.

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

Land Lease Agreement

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

MINUTES:

Under Item 3, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Approval of a Lease Agreement between the City of Las Vegas and Nevada Hospitality Service, LLC, for a storage area at the Downtown Transportation Center (DTC) located at 300 North Casino Center Boulevard (\$1,200 first year revenue) - Ward 5 (Weekly)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Lease is for approximately 600 square feet for storage of newspapers, magazines, candy, snack food, tobacco products and various other sundry items. Initial term is for one-year at \$100 a month (\$1,200 annually) with two additional one-year options. Rent for second option term increases to \$200 a month (\$2,400 annually) and third option term increases to \$300 a month (\$3,600 annually).

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

Lease Agreement for Storage Area

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

NOTE: Under Item 3, COUNCILMAN MACK disclosed that the location involved in Item No. 8 is near a SuperPawn shop owned by his brother, Steven Mack. Item Nos. 15, 43, and 44 involve sites close to the Lady Luck Casino, with which his brother-in-law, Andrew Donner, has a contract related to its non-restricted gaming license, and the Third Street Promenade, in which his brother-in-law is a managing partner. COUNCILMAN MACK felt comfortable in voting on the aforementioned items, since he did not believe his relatives' interests would be impacted and since neither of them had mentioned these matters to him.

MINUTES:

Under Item 3, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Approval of a Lease Agreement between the City of Las Vegas and Nevada Hospitality Service, LLC, for a food cart at the Downtown Transportation Center (DTC) located at 300 North Casino Center Boulevard (\$7,500 first year revenue) - Ward 5 (Weekly)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Lease is for approximately 250 square feet of space located approximately 30 feet outside the DTC to the east, for selling hot dogs, coffee, soft drinks, pretzels, chips, various snacks and non-alcoholic beverage items. Initial term is for one-year at \$625 a month (\$7,500 annually) with two additional one-year options. Rent for second option term increases to \$800 monthly (\$9,600 annually) and third option term increases to \$1,000 month (\$12,000 annually).

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

Lease Agreement for Food Cart

MOTION:

REESE - APPROVED Items 3-5 and 7-44 as recommended - UNANIMOUS

Item 6: APPROVED under separate action (see individual item)

NOTE: Under Item 3, COUNCILMAN MACK disclosed that the location involved in Item No. 8 is near a SuperPawn shop owned by his brother, Steven Mack. Item Nos. 15, 43, and 44 involve sites close to the Lady Luck Casino, with which his brother-in-law, Andrew Donner, has a contract related to its non-restricted gaming license, and the Third Street Promenade, in which his brother-in-law is a managing partner. COUNCILMAN MACK felt comfortable in voting on the aforementioned items, since he did not believe his relatives' interests would be impacted and since neither of them had mentioned these matters to him.

MINUTES:

Under Item 3, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:24 - 9:26)

1-661

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT

☒ DISCUSSION

SUBJECT:

ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: James Jason Walker, 3240 Westwind Road, Las Vegas, Nevada 89146

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal
2. City Clerk Notification Letter to Appellant
3. Letter in Support of Hiring

MOTION:

REESE - Motion to bring forward and STRIKE Item 45 and Hold in ABEYANCE Item 48 to 11/3/2004 - UNANIMOUS

MINUTES:

There was no discussion.

(9:23 - 9:24)

1-628

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT

☒ DISCUSSION

SUBJECT:

ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Michael J. Amsbary, 2725 W. Wigwam Avenue, Apt. 1089, Las Vegas, Nevada 89123

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

REESE - APPROVED a site-specific work card, subject to a six-month (4/20/2005) review, and requiring that the appellant report in writing any arrests or citations to Special Investigations within 48 hours - UNANIMOUS

MINUTES:

The appellant was present.

SERGEANT REAGAN ALEXANDER, Las Vegas Metropolitan Police Department (Metro), referred the Council to the confidential report for Metro's reasons for denial of the work card. MAYOR GOODMAN noted the letter from the appellant's general manager recognizing his background and asked if that would satisfy Metro's concerns. SERGEANT ALEXANDER responded in the affirmative and suggested issuance of a site-specific work card, subject to a six-month review and requiring the appellant to report in writing any arrests or citations to Special Investigations within 48 hours.

(9:41 - 9:44)

1-1252

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Meredith Howard Polzel, 320 S. First Street, Las Vegas, Nevada 89101

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal
2. City Clerk Notification Letter to Appellant
3. Letter from prospective employer

MOTION:

REESE - APPROVED the work card, subject to a six-month (4/20/2005) review - **UNANIMOUS**

NOTE: COUNCILMAN REESE disclosed that the appellant was seeking a work card to work at the convenience store in the same plaza where his barbershop is located. However, he did not feel that he had to disqualify himself from this matter.

MINUTES:

The appellant was present.

SERGEANT REAGAN ALEXANDER, Las Vegas Metropolitan Police Department (Metro), was present.

COUNCILMAN REESE indicated that he conversed with the convenience store owner, who is willing to continue MR. POLZEL'S employment despite his background. COUNCILMAN REESE pointed out that the owner was in the audience, and then noted that more people like him who are willing to give people a second opportunity are needed.

(9:44 - 9:45)

1-1339

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - Discussion and possible action regarding a new Auctioneer License, J. P. King Auction Company, Inc., dba J. P. King Auction Company, Inc., 108 Fountain Avenue, Gadsden, Alabama, Jerry C. King, Dir, Pres, Auctioneer, 25%, James S. King, Dir, Executive VP, Auctioneer, 25%, Christie K. Ray, Dir, Secy, Auctioneer, 25% - Alabama

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a new Auctioneer License

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - Motion to bring forward and STRIKE Item 45 and Hold in ABEYANCE Item 48 to 11/3/2004 - UNANIMOUS

MINUTES:

There was no discussion.

(9:23 - 9:24)

1-628

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

ABEYANCE ITEM - Discussion and possible action regarding Change of Location for a Massage Establishment, Richard William Harris, dba The Massage Group, From: 7980 West Sahara Avenue, To: 425 Fremont Street, Richard W. Harris, 100% - Ward 1 (Moncrief)

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Change of Location for a Massage Establishment

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting

BACKUP DOCUMENTATION:

Map

MOTION:

MONCRIEF - APPROVED (with the intent of including MR. DiFIORE'S following recommended conditions: six-month temporary license, that MR. HARRIS fully cooperate with the Las Vegas Metropolitan Police Department (Metro) on his pending investigation, granting MR. DiFIORE full authority to suspend the temporary license if MR. HARRIS does not cooperate with Metro's investigation or if any business license code violations are found on the premises, and that the results of the investigation form a basis for disciplinary action under Title 6 of the Las Vegas Municipal Code) - UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that the site involved in this request is in proximity to a SuperPawn shop owned by his brother, Steven Mack, the Third Street Promenade, for which his brother-in-law, Andrew Donner, is the managing partner, and the Lady Luck Hotel/Casino, with which his brother-in-law, Andrew Donner, has a contract related to its non-restricted gaming license. However, COUNCILMAN MACK felt comfortable voting on this matter because his relatives have not spoken to him about this request, and he did not believe it would have any impact on his relatives' businesses.

MINUTES:

JIM DiFIORE, Manager, Business Services, indicated that the investigation is still ongoing, and that MR. HARRIS received the report for his perusal. Since this application is for a change of location, MR. DiFIORE recommended the issuance of a six-month temporary license, with the conditions that MR. HARRIS fully cooperate with the Las Vegas Metropolitan Police Department (Metro) on his pending investigation; Council grant the manager of Business Services the authority to suspend the temporary license if the applicant does not cooperate with Metro's investigation or if any business license code violations are found on the premises; and that the results of the investigation form a basis for disciplinary action under Title 6 of the Las Vegas Municipal Code. MAYOR GOODMAN confirmed with MR. HARRIS that he understood and concurred.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

(9:45 - 9:48)

1-1398

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Islands Summerlin/Anaheim Hills, LP, dba Islands Fine Burgers & Drinks, 10810 West Charleston Boulevard, Islands Summerlin, LLC, Gen Ptnr, 25%, Islands Anaheim Hills, LLC, Gen Ptnr, 25%, Islands Restaurants, Ltd Ptnr, Mgr, Class B Mmbr, 80%, Douglas E. Kollus, Class A Mmbr, 10%, Michael B. Smith, Class A Mmbr, 4%, Reiko L. Matsumoto, Class A Mmbr, 3.4%, Lewis M. Jackson, Class A Mmbr, 2%, Robert L. Richards, Jr., Class A Mmbr, .6% - Ward 2 (Wolfson)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a new Supper Club License

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Rob Richards
3. Letter from Cindy Block
4. Map

MOTION:

WOLFSON - APPROVED (with the intent of including the following recommendations of MR. DiFIORE: temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process) - UNANIMOUS

MINUTES:

The applicant was present.

JIM DiFIORE, Manager, Business Services, said the applicant met the requirements to be considered for a temporary approval on the supper club license.

MR. LEWIS JACKSON described the items that would be offered on the supper club menu.

(9:48 - 9:50)

1-1481

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 10 slots subject to the provisions of the fire codes and Health Dept. regulations, From: B4 and After, a Limited Partnership, dba Bunkhouse, Thomas M. Burns, Gen Ptnr, 33 1/3%, Stewart L. Bell, Ltd Ptnr, 33 1/3%, James M. Bixler, Ltd Ptnr, 33 1/3%, To: Quality Commercial Maintenance, Inc., dba The Bunkhouse, 124 South 11th Street, Charles J. Fox, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 10 slots

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting

BACKUP DOCUMENTATION:

Submitted at meeting: photo sheet with six pictures of Traveler's Motel with four pieces of supporting documentation from Charles Fox

MOTION:

MONCRIEF - APPROVED the temporary license, subject to a six-month review, with the following conditions: 1) the hours of operation will be limited to 6:00 a.m. to 2:00 a.m. daily; 2) any incidents to which the Las Vegas Metropolitan Police Department (Metro) responds to the property and any arrests or citations issued to anyone on the property must be reported in writing to Metro Special Investigations and Business Services within 48 hours of the incident; 3) no pay phones may be installed on the property; 4) a key employee application must be submitted within 30 days if MR. FOX has no intention of being on the premises at least 50% of the time during operating business hours; 5) signs must be posted at the entrance and at the bar which are clear, legible, and state "per Las Vegas Municipal Code 6.50.4.50(b) sale of alcoholic beverages to a person who is intoxicated is unlawful; and 6) MR. FOX must attend the monthly meetings of the Downtown Area Command's Chronic Nuisance Detail. - UNANIMOUS with WOLFSON not voting

MINUTES:

After recalling the matter from being trailed pending the arrival of CHARLES FOX, JIM DiFIORE, Manager, Business Services, recommended approval of a temporary license, subject to a six-month review and the following conditions: 1) the hours of operation will be limited to 6:00 a.m. to 2:00 a.m. daily; 2) any incidents to which the Las Vegas Metropolitan Police Department (Metro) responds to the property and any arrests or citations issued to anyone on the property must be reported in writing to Metro Special Investigations and Business Services within 48 hours of the incident; 3) no pay phones may be installed on the property; 4) a key employee application must be submitted within 30 days if MR. FOX has no intention of being on the premises at least 50% of the time during operating business hours;

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

5) signs must be posted at the entrance and at the bar which are clear, legible, and state "per Las Vegas Municipal Code 6.50.4.50(b) sale of alcoholic beverages to a person who is intoxicated is unlawful; and 6) MR. FOX must attend the monthly meetings of the Downtown Area Command's Chronic Nuisance Detail.

MR. DiFIORE explained that all these conditions were placed due to the outcome of the investigation, but he and Metro would like to give MR. FOX an opportunity to show what he can do for the City.

SERGEANT REAGAN ALEXANDER, Las Vegas Metropolitan Police Department, added that he has high hopes that MR. FOX will succeed in his business. He asked MR. FOX to work closely with Metro over the six-month probationary period.

MR. FOX introduced DAVE ETTER, Nevada Gaming Application Consultants, and JOHN JONES, key employee for the location. MAYOR GOODMAN confirmed with MR. FOX and MR. JONES that they fully understood the conditions set forth by MR. DiFIORE.

At the request of COUNCILWOMAN MONCRIEF, MR. FOX showed pictures of the renovations, copies of which were submitted and made a part of the backup, and explained his intentions for the property.

MR. ETTER thanked BOBBY MANNING, Special Investigations, Business Services staff, and COUNCILWOMAN MONCRIEF for all their efforts in this matter.

(9:49 - 9:50/9:58 - 10:04)

1-1540/1-1938

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License, From: Camco, Inc., Steven A. Mack, COB, CEO, Bryan W. Waters, Pres, COO, Marco A. Herrera, VP, Secy, Steven Mack Revocable Trust, 100%, Steven A. Mack, Trustee, To: Cash America, Inc. of Nevada, dba SuperPawn: 1150 South Rainbow Boulevard; 3270 South Valley View Boulevard; 126 South 1st Street, Daniel Ray Feehan, Dir, CEO, Pres, Cash America International, Inc., 100%, Daniel R. Feehan, Dir, CEO, Pres - Ward 1 (Moncrief)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Hugh A. Simpson

MOTION:

MONCRIEF - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with MACK abstaining on Items 52 through 56 because they involve his brother Steven Mack

NOTE: COUNCILMAN WOLFSON disclosed that, in his capacity as an attorney, he represented a former employee of the SuperPawn Corporation who was convicted of a crime and sentenced. The victim was SuperPawn. COUNCILMAN WOLFSON did not believe that his judgment would be affected as a result of that representation; therefore, he indicated he would be voting on Items 52 through 56.

MINUTES:

JIM DiFIORE, Manager, Business Services, said the applicant met the requirements for consideration of a temporary approval.

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of SuperPawn. He indicated that this is a complex matter involving 41 SuperPawn locations throughout the West Coast that would be taken over; some are located in Las Vegas. Five of the SuperPawn shops are located in the City and he was trying to coordinate the license transfers for the SuperPawn shops located in three other local jurisdictions, Clark County, City of Henderson, and City of North Las Vegas. He requested the Council

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

approve the temporary license for these locations, but authorize MR. DiFIORE to issue the actual temporary license at the time Cash America International, Inc., is ready to start operations at all the local shops. He then thanked Business Services staff for all their assistance in this matter.

MR. DiFIORE requested authority to issue the temporary licenses when Cash America International is ready to close escrow, about 60 to 90 days, and then to issue the permanent licenses upon a favorable police report on the applicant.

See related Item 53 for other discussion.

(9:50 - 9:54)

1-1579

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License, From: Camco, Inc., Steven A. Mack, COB, CEO, Bryan W. Waters, Pres, COO, Marco A. Herrera, VP, Secy, Steven Mack Revocable Trust, 100%, Steven A. Mack, Trustee, To: Cash America, Inc. of Nevada, dba SuperPawn, 7585 West Washington Avenue, Daniel Ray Feehan, Dir, CEO, Pres, Cash America International, Inc., 100%, Daniel R. Feehan, Dir, CEO, Pres - Ward 2 (Wolfson)

Fiscal Impact:

☒ No Impact

Amount:

☐ Budget Funds Available

Dept./Division:

☐ Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Hugh A. Simpson

MOTION:

WOLFSON - APPROVED (with the intent of including the following recommendations of **MR. DiFIORE**: temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with **MACK** abstaining on Items 52 through 56 because they involve his brother Steven Mack

NOTE: COUNCILMAN WOLFSON disclosed that, in his capacity as an attorney, he represented a former employee of the SuperPawn Corporation who was convicted of a crime and sentenced. The victim was SuperPawn. **COUNCILMAN WOLFSON** did not believe that his judgment would be affected as a result of that representation; therefore, he indicated he would be voting on Items 52 through 56.

MINUTES:

JIM DiFIORE, Manager, Business Services, said his recommendation would be the same as for Item 52.

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of SuperPawn. He said that **BRYAN WATERS** and **MARY JACKSON**, Vice President of Government Relations for Cash America, were in the audience in case the Council had any questions.

See related Item 52 for other discussion.
(9:54 - 9:55)

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

1-1726

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License, From: Camco, Inc., Steven A. Mack, COB, CEO, Bryan W. Waters, Pres, COO, Marco A. Herrera, VP, Secy, Steven Mack Revocable Trust, 100%, Steven A. Mack, Trustee, To: Cash America, Inc. of Nevada, dba SuperPawn: 515 East St. Louis Avenue; 2300 East Charleston Boulevard, Daniel Ray Feehan, Dir, CEO, Pres, Cash America International, Inc., 100%, Daniel R. Feehan, Dir, CEO, Pres - Ward 3 (Reese)

Fiscal Impact:

☒ No Impact

Amount:

☐ Budget Funds Available

Dept./Division:

☐ Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Hugh A. Simpson

MOTION:

REESE - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with **MACK** abstaining on Items 52 through 56 because they involve his brother Steven Mack

NOTE: COUNCILMAN WOLFSON disclosed that, in his capacity as an attorney, he represented a former employee of the SuperPawn Corporation who was convicted of a crime and sentenced. The victim was SuperPawn. COUNCILMAN WOLFSON did not believe that his judgment would be affected as a result of that representation; therefore, he indicated he would be voting on Items 52 through 56.

MINUTES:

JIM DiFIORE, Manager, Business Services, said his recommendation would be the same as for Item 52.

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of SuperPawn.

See related Items 52 and 53 for discussion.

(9:55 - 9:56)

1-1775

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License, From: Camco, Inc., Steven A. Mack, COB, CEO, Bryan W. Waters, Pres, COO, Marco A. Herrera, VP, Secy, Steven Mack Revocable Trust, 100%, Steven A. Mack, Trustee, To: Cash America, Inc. of Nevada, dba SuperPawn, 5910 West Lake Mead Boulevard, Daniel Ray Feehan, Dir, CEO, Pres, Cash America International, Inc., 100%, Daniel R. Feehan, Dir, CEO, Pres - Ward 5 (Weekly)

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Hugh A. Simpson

MOTION:

WEEKLY - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with MACK abstaining on Items 52 through 56 because they involve his brother Steven Mack

NOTE: COUNCILMAN WOLFSON disclosed that, in his capacity as an attorney, he represented a former employee of the SuperPawn Corporation who was convicted of a crime and sentenced. The victim was SuperPawn. COUNCILMAN WOLFSON did not believe that his judgment would be affected as a result of that representation; therefore, he indicated he would be voting on Items 52 through 56.

MINUTES:

JIM DiFIORE, Manager, Business Services, said his recommendation would be the same as for Item 52.

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of SuperPawn.

See related Items 52 and 53 for discussion.

(9:56)

1-1799

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License, From: Camco, Inc., Steven A. Mack, COB, CEO, Bryan W. Waters, Pres, COO, Marco A. Herrera, VP, Secy, Steven Mack Revocable Trust, 100%, Steven A. Mack, Trustee, To: Cash America, Inc. of Nevada, dba SuperPawn: 4111 North Rancho Drive; 6824 West Cheyenne Avenue, Daniel Ray Feehan, Dir, CEO, Pres, Cash America International, Inc., 100%, Daniel R. Feehan, Dir, CEO, Pres - Ward 6 (Mack)

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Pawnbroker/Pistol Permit and a Class II Secondhand Dealer License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Hugh A. Simpson

MOTION:

REESE - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with **MACK** abstaining on Items 52 through 56 because they involve his brother Steven Mack

NOTE: COUNCILMAN WOLFSON disclosed that, in his capacity as an attorney, he represented a former employee of the SuperPawn Corporation who was convicted of a crime and sentenced. The victim was SuperPawn. COUNCILMAN WOLFSON did not believe that his judgment would be affected as a result of that representation; therefore, he indicated he would be voting on Items 52 through 56.

MINUTES:

JIM DiFIORE, Manager, Business Services, said his recommendation would be the same as for Item 52.

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of SuperPawn.

See related Items 52 and 53 for discussion.

(9:56 - 9:57)

1-1821

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Melva Boyd, dba Lucky Champ, 1420 West Bonanza Road, Melva D. Boyd, 100% - Ward 5 (Weekly)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

WEEKLY - APPROVED the permanent license as recommended - UNANIMOUS

MINUTES:

The applicant was present.

JIM DiFIORE, Manager, Business Services, recommended approval of the permanent license.

SERGEANT REAGAN ALEXANDER, Las Vegas Metropolitan Police Department, (Metro), affirmed the Mayor's comment that the investigative report had no areas of concern.

(9:57 - 9:58)

1-1843

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT

☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Wholesale General License, Vin Sauvage, LLC, dba Vin Sauvage, LLC, 4050 West Sunset Road, Suite D, Sauvage Gas Company, Mmbr, 100%, Ward A. Sauvage, Dir, Pres, David E. Miller, Dir, Secy, Treas, Alan Sauvage, Mgr - County

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a new Wholesale General License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo.
2. Letter from Brian C. Wedl, Esq.

MOTION:

REESE - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after receipt of the police report - **UNANIMOUS**

MINUTES:

The applicant was not present.

JIM DiFIORE, Manager, Business Services, recommended approval of the temporary license and requested authority to issue the permanent license after receipt of the police report, which showed no areas of concern.

(9:58 - 10:04)

1-1890

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: HUMAN RESOURCES

DIRECTOR: F. CLAUDETTE ENUS

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action to create thirty-four (34) regular full time Corrections Officer positions and three (3) regular full time Corrections Sergeant positions to supervise inmates at the City Detention Center (\$1,783,419 - General Fund) - Ward 3 (Reese)

Fiscal Impact:

<input type="checkbox"/>	No Impact	Amount:	\$1,783,419.00
<input type="checkbox"/>	Budget Funds Available	Dept./Division:	Detention & Enforcement
<input checked="" type="checkbox"/>	Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

As of July 2004 the D&E Department Operations continue to undergo extraordinary changes. The facility now houses roughly 1,300 inmates daily. All bookings & releases (approx 200/day) are processed at the Detention Center. Employees currently working overtime are becoming burned out and no longer alert, creating safety concerns. Overtime reached an annual rate between 2-3 million dollars.

A recent staffing analysis was completed with input from both labor & management and concludes that an additional 34 Officers and 3 Sergeants need to be hired to eliminate the excessive amounts of overtime caused by the high inmate population.

D&E is recommending hiring 37 Corrections Officers and Sergeants over the next two fiscal years. Hire 18 Officers & 1 Sergeant in January 2005, with a budget augmentation of \$598,262. In fiscal year 2005/2006, hire 16 Officers & 2 Sergeants for an annual cost of \$1,185,157. In fiscal year 2005/2006 the 37 Officers and Sergeants will be trained and available for assignment thereby eliminating at least 90% of the annual overtime.

RECOMMENDATION:

It is recommended that the creation of 34 regular full time Corrections Officer positions and 3 Corrections Sergeant positions be approved.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Staffing Justification Packet

MOTION:

REESE - APPROVED as recommended, with direction to City Manager Selby to explore the possibility of hiring two social workers for Detention and Enforcement to assist inmates convicted of a crime due to their homeless state - **UNANIMOUS**

MINUTES:

MICHAEL SHELDON, Director, Detention and Enforcement, recognized the efforts and successes of the Council in revitalizing the downtown area. In support of those efforts, the City Marshals, in conjunction with the Downtown Area Command, have worked relentlessly to rid the streets of the criminal element. The Municipal Court judges have worked equally hard not only to sentence criminals but also to issue long sentences to keep crime off the streets so the businesses in the downtown area can thrive.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

The downside of these efforts is that the population of the City jail has increased substantially, from about 750 inmates to about 1,400 inmates. Detention and Enforcement staff has managed the growth with overtime, forcing officers to work 60 to 80 hours a week. They work extremely hard, but forcing them to work is not a way to treat the officers. More staff is needed, and hiring more officers is inevitable because the increased inmate population continues to grow.

But even with approval of this matter, it would take approximately a year and a half to get the new officers hired, trained, and working independently.

MAYOR GOODMAN indicated that this Council strongly believes the downtown area must appear to be and be safe. The police officers, marshals, and code enforcers have done a yeoman's job to accomplish part of that objective. The City Attorney's Office has been vigorous in prosecuting persons committing crimes in the downtown area and has worked closely with Municipal Court to make sure that those convicted are done so by lawful evidence, beyond a reasonable doubt, and entitled to due process, but not coddled, if convicted, so that the jails become revolving doors. According to the downtown business owners, these efforts are working.

MAYOR GOODMAN then spoke about social programs, such as EVOLVE, which helps ex-felons coming out of prison to re-enter into the community. This program is working very well and is funded by the Department of Labor. There is also Alternative Sentencing through Municipal Court for individuals who are convicted of driving under the influence or for domestic abuse. But there are no programs to assist with the increased population at the jail, because they are so busy trying to maintain the status quo. He stressed that he would support this matter with the understanding that two social workers would be hired for the Detention Center to work with the inmates, in particular those homeless individuals that have been convicted of a crime, to find out if they have family that could be contacted that could take them in after they have served their time, so that they do not fall back into the cycle of homelessness and then back into the jail. COUNCILMAN REESE expressed his support of the Mayor's direction.

NOTE: MAYOR GOODMAN directed CITY MANAGER SELBY to explore the possibility of hiring two social workers for the Detention Center to assist inmates convicted of crimes due to their homeless state.

(10:04 - 10:12)

1-2158

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion regarding possible changes to current Title 19.14.060 and 19.14.100 dimensional and other standards for On-Premise Free Standing Signs and Off-Premise Signs (billboards) and to direct staff accordingly - All Wards

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

To allow discussion pertaining to the separation distance between on-premise and off-premise signs and discussion pertaining to all current off-premise sign standards.

RECOMMENDATION:

No recommendation.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Memo to Mayor and City Council
3. Off-Premise Sign Exclusionary Zone Map
4. Submitted at meeting: hardcopy of PowerPoint

MOTION:

None required. A report was given.

MINUTES:

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

APPEARANCES:

OSCAR GOODMAN, Mayor
ROBERT GENZER, Director, Planning and Development
DAVID CLAPSADDLE, Planning Supervisor, Planning and Development
STEVE WOLFSON, Councilman
LARRY BROWN, Councilman
GARY REESE, Councilman
JANET MONCRIEF, Councilwoman

NOTE: COUNCILMAN REESE gave the following directions to MR. GENZER: 1) that the possibility of grandfathering older signs and setting Chelsea-type standards only for new signs be explored; 2) that consideration be given to waiving the increased distance requirements for older signs because then they would be non-conforming at the time of the two-year review; thereby, forcing the owner to take it down, and 3) that "visual blight" be better defined.

NOTE: COUNCILWOMAN MONCRIEF directed MR. GENZER to establish increased distance requirements because there are too many billboards within proximity to each other.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

(10:12 - 10:26)

1-2520

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: ADMINISTRATIVE SERVICES

DIRECTOR: CHRISTOPHER KNIGHT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-158-2004 - Discussion and possible action on a Resolution to encourage volunteerism and public stewardship through the Take Pride in America Program - All Wards

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Take Pride in America Program is a federally-supported program that seeks to improve volunteerism and civic involvement among citizens, including increasing responsibility for stewardship of our public lands, facilities, cultural, and historical sites, as well as public resources such as schools, parks, streets, beaches, state and federal lands, and cultural or historic sites. The Take Pride in America Program will also recognize the city of Las Vegas as a Take Pride City and allow participants and programs to enter an annual award competition.

RECOMMENDATION:

Approval.

BACKUP DOCUMENTATION:

1. Resolution No. R-158-2004
2. Submitted at meeting: hardcopy of PowerPoint

MOTION:

REESE - APPROVED as recommended - UNANIMOUS with MONCRIEF not voting

MINUTES:

SABRA SMITH, Administrative Officer, Neighborhood Services, indicated that the departments of Administrative Services, Neighborhood Services, and Leisure Services have been working to establish a partnership with the Take Pride in America Program. She then briefly went over the information under the above Purpose/Background section. This program would not cost the City any money. It would only require the City to host at least two volunteer projects each year. Recently the City of Las Vegas was signed up to be a Take Pride in America City and has identified several existing programs that utilize volunteers for this program. Using PowerPoint, MS. SMITH showed a logo of the Take Pride in America program that would have to be used when promoting some of the volunteer opportunities. In exchange the program would recognize the City of Las Vegas for its efforts and those of the participating volunteers.

MS. SMITH explained for MAYOR GOODMAN that this is a federal program that was started in 1985 and recently resurrected by President George W. Bush. MAYOR GOODMAN noted that nothing can be done without volunteers.

(10:26 - 10:28)

1-3222

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐

CONSENT

☒

DISCUSSION

SUBJECT:

BOARDS & COMMISSIONS:

ANIMAL ADVISORY COMMITTEE - Staci Columbo, Term Expiration 11-15-2004

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This board is comprised of 5 members who serve two-year terms, no limit to the number of terms that may be served and no requirement to fill an unexpired portion of a term. There is no City residency requirement. Ms. Columbo is eligible and wishes to be reappointed.

RECOMMENDATION:

Procedure for this Board requires appointment by the City Council. Ms. Columbo is eligible and wishes to be reappointed.

BACKUP DOCUMENTATION:

1. Memorandum from Roger Van Oordt, Animal Control Supervisor, Detention & Enforcement
2. Current Listing and Authority - Animal Advisory Committee

MOTION:

MACK - Motion to REAPPOINT STACI COLUMBO - UNANIMOUS with MONCRIEF not voting

Clerk to notify

MINUTES:

COUNCILMAN MACK noted that MS. COLUMBO has done a great job on this committee.

(10:28 - 10:29)

1-3371

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐

CONSENT

☒

DISCUSSION

SUBJECT:

BOARDS & COMMISSIONS:

SENIOR CITIZEN LAW PROJECT ADVISORY BOARD - Kimberly Malloy, Term Expiration 11-1-2004

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Board is comprised of 9 members, filling three-year terms, with at least two members over the age of 60. Appointees must represent specific categories: 2 members of Senior Organizations; 2 Senior Service Providers; 3 Private Citizens; and 2 members of the Nevada State Bar. Members are limited to two terms. Ms. Malloy filled one of the three seats in the "Private Citizen" category. Ms. Malloy is not eligible for reappointment as she has served two terms.

RECOMMENDATION:

Procedure for this Board requires appointment by the City Council. It will be necessary to appoint a new member in the Private Citizen category to fill this seat.

BACKUP DOCUMENTATION:

1. Memorandum from Sheri Cane Vogel, Project Director
2. Current Listing and Authority - Senior Citizen Law Project Advisory Board

MOTION:

GOODMAN - Motion to APPOINT ROY HOLLAND (Goodman's recommendation), 6325 Elton Avenue, Las Vegas, Nevada 89107 - UNANIMOUS

Clerk to notify

MINUTES:

DR. BARBARA JACKSON, Director, Leisure Services, expressed her support for SHERI CANE VOGEL'S recommendation of ROY HOLLAND.

(10:29 - 10:30)

1-3403

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEUMUS

☐

CONSENT

☒

DISCUSSION

SUBJECT:

BOARDS & COMMISSIONS:

Appointment of Members to the Community Development Recommending Board

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Board, which expired June 15, 2004, reviews all Community Development Block Grant and other funding sources and makes recommendations to the City Council on the applicants eligible to receive these funds. There are now 24 members on this board who fill six-month terms. Members may serve up to 6 consecutive terms.

RECOMMENDATION:

The Department of Neighborhood Services recommends the following:

Appointments (served previously): Vincent Adams, LuAnn Baker, Rebecca Boman, Bette Craik, Doug DeMasi, M. Dean Dupalo, Ken Evans, Israel Fuentes, Rosemary Hall, Jay Hiner, Al Jacobsen, Debbie Kinsora, Eduardo Lopez-Rajo, Tony Mayorga, Regina Porter, Peggy Pound, Alejandro Rodriguez, Sandra Sellman, Trish Truesdell, Mauricio Vasques, Marcia Washington, June White

Appointments (new): Barbara Hofsommer, Brenda Williams

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Current Listing and Authority - Community Development Recommending Board

MOTION:

REESE - APPROVED the previous APPOINTMENTS and the new APPOINTMENTS as recommended - UNANIMOUS

Clerk to notify

MINUTES:

There was no related discussion.

(10:30 - 10:31)

1-3447

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: BUSINESS DEVELOPMENT

DIRECTOR: SCOTT D. ADAMS

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Discussion and possible action regarding a Disposition and Development Agreement (DDA) between CityMark Development LLC (CityMark) and Office District Parking I, Inc., (ODP) for the site located at 3rd Street and Bonneville Avenue, totaling approximately 2.38 acres (the Site), APNs 139-34-311-095 to -102 and -105 to -110 (Gain of \$5,196,200) - Ward 1 (Moncrief)

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

ODP, a wholly owned subsidiary of the City, was previously authorized to negotiate exclusively with CityMark on terms of a DDA. CityMark is offering full appraised value or \$5,196,200 for the Site and proposes to develop an urban density residential loft and mixed-use project of approximately 360,000 square feet with approximately 330 residential units for sale at market rate (including 13 live/work units), approximately 9,800 square feet of street level retail space, and approximately 530 parking spaces on the Site.

RECOMMENDATION:

Authorize the President of Office District Parking I, Inc., to execute a Disposition and Development Agreement with CityMark Development LLC for the Site.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Disposition and Development Agreement
3. Disclosure of Principals
4. Site Map

MOTION:

MONCRIEF - APPROVED as recommended - UNANIMOUS with MACK not voting

MINUTES:

SCOTT ADAMS, Director, Office of Business Development, reviewed the information under the subject matter and the above Purpose/Background section. He indicated that the correct square footage on the Agenda Summary Page should be 460,000. The tentative selling price of the units will be approximately \$200,000 to \$600,000. Under this agreement, Office District Parking I would sell the site to the developer at full-appraised market value of approximately \$5.2 million, requiring a \$2 million deposit with the balance to be financed over the first phase of construction and paid within three years or by the completion of Phase I. The developer, at the time of closing, will pledge toward the project \$300,000 earnest money. Under the current schedule of performance, the project is expected to close in July 2005 and commence construction within 12 months thereafter. Staff recommends approval.

ATTORNEY ED GARCIA, Jones Vargas, introduced RICHARD GUSTAFSON and ALEX BEATON of CityMark, as well as TONY CUTRIE, the architect. ATTORNEY GARCIA thanked staff from the

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

offices of Business Services and the City Attorney, in particular DEPUTY CITY ATTORNEY TERESITA PONTICELLO, for their assistance with this exciting project.

ATTORNEY GARCIA pointed out that representatives of CityMark met with JOHN MORAN, JR., who owns property near this site. Although, MR. MORAN supports this project, he requested some of his concerns, which CityMark is willing to address, be made part of this record. MAYOR GOODMAN interjected that it would be more appropriate to address those at the design review stage.

MR. GUSTAFSON commented that he is very excited about the construction of this project in Downtown Las Vegas. CityMark has a reputation of being a pioneer in urban redevelopment in San Diego. He then described the project using various elevations, copies of which were not submitted for the backup. He pointed out that parking will be located in the center of the project and surrounded by residential.

MAYOR GOODMAN was very impressed with the elevations and said this is a great deal and the first step to something really special in the City of Las Vegas. It is architecturally distinctive, striking, but with an affordable price range. This will provide opportunities for teachers, nurses, young professionals, and people starting out. He wished the project could be built sooner than planned.

COUNCILMAN WOLFSON and COUNCILWOMAN MONCRIEF also felt it is a great project. However, COUNCILMAN WOLFSON expressed concern about not providing enough parking, especially since the project will offer retail.

NOTE: COUNCILMAN WOLFSON stressed that staff needs to be sensitive to the shortage of parking in the downtown area.

(10:31 - 10:43)

1-3544/2-1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-65 - Amends the Supplemental Document to the NFPA 1, Uniform Fire Code, 2003 Edition, regarding the approval of traffic management or calming devices. Proposed by: David L. Washington, Chief, Department of Fire and Rescue

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The version of the NFPA 1, Uniform Fire Code, 2003 Edition, that recently was adopted by the City contains language that can be read to imply that the sole authority to approve certain traffic management devices (such as speed humps) rests with the Department of Fire and Rescue. This bill will establish the Fire Code requirements pertaining to these devices and clarify that Fire Code requirements are not the only requirements pertaining to these devices.

RECOMMENDATION:

ADOPTION at 10/20/2004 City Council meeting pursuant to 10/5/2004 Recommending Committee.

First Reading - 9/15/2004; First Publication - 10/8/2004

BACKUP DOCUMENTATION:

Bill No. 2004-65

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5730 - UNANIMOUS with MACK not voting

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:43 - 10:44)

2-323

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-67 - Adjusts the ward boundaries of the City. Proposed by: Bradford R. Jerbic, City Attorney (NOTE: This item will not be heard before 4:00 p.m.)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City Charter authorizes the City Council to adjust Council ward boundaries from time to time in order to address significant population imbalance among Council wards. This bill will adjust the ward boundaries in accordance with a redistricting proposal designed to restore population balance among Council wards.

RECOMMENDATION:

ADOPTION at 10/20/2004 City Council meeting as recommending.

First Reading - 9/15/2004; First Publication - 10/8/2004

BACKUP DOCUMENTATION:

Bill No. 2004-67

MOTION:

MACK - Motion to hold discussion for redistricting in 2006 - UNANIMOUS

MINUTES:

MAYOR GOODMAN asked JUDGE FRED KESSLER to explain the reason for his recommendation that this matter be put off until 2006. JUDGE KESSLER explained that the biggest difficulty the City faces is the fact that the even numbered Wards are on the west side. These Wards have had the highest growth, and the odd numbered Wards have not had that same growth. By virtue, it is compelling to increase the size of the odd numbered Wards by taking the population and precincts away from even numbered Wards. However, the special election, in which COUNCILMAN WOLFSON was elected, provided a little bit of flexibility. If that had not occurred, it would have compelled a sizable number of the citizens of Las Vegas to go six years without voting for a Councilperson. However, that will not be an issue two years from now if the redistricting is done at that time.

JUDGE KESSLER added that two years from now, if the redistricting should occur, the newly created Wards will be the Wards with substantial increase in population and can take away and add to the Wards on the east end without causing anybody to go six years without voting. The only way this can be done without depriving people of the right to vote would be literally to cut COUNCILMAN WOLFSON'S district and take approximately 40% of his constituents away from him due to the ripple effect of moving portions of his district into COUNCILMAN BROWN'S district and moving COUNCILMAN BROWN into portions of COUNCILMAN MACK'S district. From previous work on redistricting, JUDGE KESSLER is aware that it is almost sacred to ensure that people have the right to vote for a

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

Councilperson every four years. He tried to draw some maps that provide that alternative, but they would cause a substantial alteration particularly in COUNCILMAN WOLFSON'S and COUNCILWOMAN MONCRIEF'S districts.

MAYOR GOODMAN commented he wants all his constituents to have the ability to vote for a Councilperson because it is a privilege and an obligation to vote. He felt that if this were held until 2006, COUNCILMAN MACK would require help in order to effectively represent the citizens of Ward 6, and he asked the City Manager to ensure that he gets that help.

COUNCILMAN REESE commented that he has been through three redistrictings and his Ward has been gutted more than any other Wards. He felt that COUNCILMAN MACK'S Ward is too large and redistricting should be looked at, regardless if it is done now or two years from now. Boundaries were drawn, and they should be looked at.

MAYOR GOODMAN announced that he had to leave and that if a motion would be made other than to hold the redistricting to 2006, he would come back.

COUNCILMAN WOLFSON stated he would base his decision on what is best for the City. He felt he would get credit or blame regardless of what action would be taken. He verified with JUDGE KESSLER that the original proposal presented to the City Council was his work product and not the product of a suggestion from COUNCILMAN WOLFSON or any other Councilperson's recommendation. JUDGE KESSLER added that he tried to speak to members of the City Council, initially to draft a plan, but the discussions ran into the issue of the six-year voting period. At the last possible moment, on his own, he made changes and brought them to all the members of the City Council. He reiterated it was not a product from any Council member, but an independent recommendation from him.

COUNCILMAN MACK commented that he requested this Bill to allow fair representation and was opposed by COUNCILWOMAN McDONALD because some voters felt left out, but that that was satisfied in the last special election with COUNCILMAN WOLFSON. He is impacted by the continuing growth of Ward 6. It is estimated that by 2006 Ward 6 will have approximately 140,000 constituents, where other Wards range from 75,000 to 80,000 constituents. He has been assured from City staff that he would get support and resources from Neighborhood Services, Public Works and be able to utilize other City staff to help his constituents. There is a good chance that clean lines will be drawn in 2006. He would like to see a sub-committee created of residents throughout the City to help with the 2006 process.

(4:01 - 4:13)

5-36

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-68 - Annexation No. ANX-4777 - Property location: At and near the southeast corner of Iron Mountain Road and Maverick Street; Petitioned by: Quarterhorse Falls Estates, LLC; Acreage: 15.79 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located at and near the southeast corner of Iron Mountain Road and Maverick Street. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 12, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 11/3/2004 City Council meeting pursuant to the 10/19/2004 Recommending Committee.

First Reading - 10/6/2004; First Publication - 10/22/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

11/3/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-69 - Establishes new solid waste and recycling regulations. Proposed by: Mark R. Vincent, Director of Finance and Business Services

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City's current solid waste code provisions were enacted more than fifty years ago and do not take into account many contemporary industry standards and practices as well as current state and federal regulatory provisions. Solid waste issues transcend the boundaries of the City and other local jurisdictions within the County metropolitan areas, each contracting with Republic Services, Inc. to perform solid waste collection and disposal services. Accordingly, this bill is modeled after recent changes made in the County code in order to achieve regulatory uniformity. This bill specifically designates the items included within the solid waste stream, hazardous waste stream, medical waste stream, and recyclable materials stream for regulatory purposes; restricts hours of solid waste collection in residential areas; and conditionally waives collection fees for absentee residents.

RECOMMENDATION:

HELD IN ABEYANCE to 11/2/2004 Recommending Committee meeting pursuant to the 10/19/2004 Recommending Committee.

First Reading - 10/6/2004; First Publication - N/A

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

11/2/2004 Recommending Committee

11/3/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT

☒ DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-70 - Annexation No. ANX-4957 - Property location: On the north side of Ann Road, east and west of Mustang Road (aka Mustang Street); Petitioned by: Matrix Development Corporation, et al.; Acreage: 10.69 acres; Zoned: R-E (County zoning), U (R) and U (RE) (City equivalents). Sponsored by: Councilman Michael Mack

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the north side of Ann Road, east and west of Mustang Road (aka Mustang Street). The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 3, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-70 and Location Map

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS MONCRIEF and WOLFSON

11/2/2004 Recommending Committee

11/3/2004 Council Agenda

There was no discussion.

(10:44)

2-355

THE MORNING SESSION RECESSED AT 10:44 A.M.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ CONSENT

☐ DISCUSSION

SUBJECT:

Any items from the afternoon session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

MOTION:

REESE - Motion to STRIKE Item 100 [SUP-4918] and to HOLD IN ABEYANCE Item 74 [DIR-5079] to 12/15/2004 - UNANIMOUS with GOODMAN abstaining on Item 74 [DIR-5079] because it relates to the Scotch 80's subdivision where he resides, and any action could directly affect his property value

MINUTES:

ROBERT GENZER, Director, Planning and Development Department, indicated that on Item 74 [DIR-5079], the applicant's representative verbally requested that the item be held in abeyance until the 12/15/2004 City Council meeting. ATTORNEY RICHARD McNIGHT, 330 South 3rd Street, confirmed the request and explained they need the time to determine whether they will pursue this appeal.

MAYOR GOODMAN disclosed he would be abstaining on Item 74 [DIR-5079] because it relates to the Scotch 80's subdivision where he resides.

(1:03 - 1:06)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ CONSENT ☒ DISCUSSION

SUBJECT:

ABEYANCE ITEM - Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6318 West Sahara Avenue. PROPERTY OWNERS: C S S SAHARA LP - Ward 1 (Moncrief)

Fiscal Impact:

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Zoning Violations/Nuisance Notice and Order to Comply was mailed to the property owners to correct the nuisance per CLVMC 19.12.030 (C) General Landscaping Requirements and Maintenance and Removal of Recreational Vehicles. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Margaret C. Martin, Pegasus Group, on behalf of C S S Sahara LP

RECOMMENDATION:

That the City Council approve the Zoning Violations/Nuisance Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Zoning Violations/Nuisance Notice and Order to Comply
4. Notice of Appeal
5. Appeal Letter from Appellant

MOTION:

MONCRIEF - APPROVED the action of Neighborhood Services - UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MAYOR GOODMAN granted the applicant's request to trail the item because his representative's flight to Las Vegas was delayed.

MAYOR PRO TEM REESE recalled trailed Item 72. ORLANDO SANCHEZ, Director of Neighborhood Services, outlined discussions with MR. CATANIO, the new owner, during which it was agreed that the 10-foot landscaping easement along the north property would be in compliance within 30 days. The previous owner had removed some of the landscaping, but MR. CATANIO will replace it.

MAYOR PRO TEM REESE declared the public hearing closed.

(1:06/4:39 - 4:42)

3-63/5-1018

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of dangerous buildings, a public nuisance and an imminent hazard located at 15 West Owens Avenue. PROPERTY OWNERS: WEST OWENS MANAGEMENT GROUP, LLC, CCSD PROPERTIES, INC., DAVID DIMARCO, SANDI DIMARCO, AND T & B DEL CORP. - Ward 5 (Weekly)

Fiscal Impact:

<input type="checkbox"/>	No Impact	Amount:	\$131,555.40
<input checked="" type="checkbox"/>	Budget Funds Available	Dept./Division:	Neigh. Services/Response
<input type="checkbox"/>	Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. After proper notification, when no appropriate corrective action was taken, an Imminent Hazard Notice was issued to the property owners. Furthermore, a hearing was held before the City Council to order that the City Attorney take appropriate legal action to abate, remove or enjoin the nuisance on the property. After the District Court hearing on the merits of the City's position, the Sky-View Mobile Home Park was closed, and the Department of Neighborhood Services began relocating some of the tenants. When compliance was not met by the property owners, KO Construction was hired to abate the property and Guardian Security was hired to provide security.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$131,555.40 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractors Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Notice and Claim of Lien
8. Submitted after final agenda - Letter from Attorney Garry L. Hayes
9. Video shown but not submitted

MOTION:

GOODMAN - Motion to follow the recommendation of Neighborhood Services subject to amending the amount to \$137,055.40 - UNANIMOUS with BROWN not voting

NOTE: An initial motion for approval for the amount of \$136,555.40 by GOODMAN carried unanimously and was reconsidered upon motion by REESE, which also carried unanimously with BROWN not voting.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES:

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

MAYOR GOODMAN declared the Public Hearing open.

APPEARANCES:

OSCAR GOODMAN, Mayor

ORLANDO SANCHEZ, Director, Neighborhood Services

ELIZABETH DEL FONTE, T & B Del Corp.

DAN STILL, Deputy City Attorney

BRAD JERBIC, City Attorney

STEPHANIE COOPER CHRISTENSEN, Attorney, representing Del Fonte Family Trust

LAWRENCE WEEKLY, Councilman

GARY REESE, Councilman

BARBARA JO RONEMUS, City Clerk

NOTE: MAYOR GOODMAN directed the City Attorney to recover \$137,055.40 from West Owens Management Company, DAVID and SANDY DIMARCO, personally and individually, which is the amount that the City had to expend as a result of their conduct.

MAYOR GOODMAN declared the public hearing closed.

(1:06 - 1:17/1:30 - 1:31)

3-81/3-842

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

DIRECTOR'S BUSINESS

DIR-5079 - ABEYANCE ITEM - APPLICANT/OWNER: SCOTCH EIGHTY HOMEOWNERS ASSOCIATION - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Petition to Vacate public streets located within the Scotch Eighty Subdivision for failure to comply with Title 19.04.040, Ward 1 (Moncrief). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application- Not Applicable
3. Staff Report
4. Appeal letter from Richard McKnight, Esq.
5. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 74 [DIR-5079] and Item 86 [VAC-4071]

MOTION:

REESE - Motion to STRIKE Item 100 [SUP-4918] and to HOLD IN ABEYANCE Item 74 [DIR-5079] to 12/15/2004 - UNANIMOUS with GOODMAN abstaining on Item 74 [DIR-5079] because it relates to the Scotch 80's subdivision where he resides, and any action could directly affect his property value

MINUTES:

ROBERT GENZER, Director, Planning and Development Department, indicated that on Item 74 [DIR-5079], the applicant's representative verbally requested that the item be held in abeyance until the 12/15/2004 City Council meeting. ATTORNEY RICHARD McNIGHT, 330 South 3rd Street, confirmed the request and explained they need the time to determine whether they will pursue this appeal.

NOTE: Under Item 86 [VAC-4071] MAYOR GOODMAN submitted an opinion memo from the City Attorney's Office indicating his abstentions on Item 74 [DIR-5079] because it relates to the Scotch 80's subdivision where he resides, and Item 86 [VAC-4071] because one of the neighbors who will be most affected is his law partner.

(1:03 - 1:06)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED SIX MONTH REVIEW - REVIEW OF CONDITION

RQR-5115 - PUBLIC HEARING - APPLICANT/OWNER: UNITED BROTHERS ENTERPRISES - Request for a Required Six Month Review of AN APPROVED REVIEW OF CONDITION (ROC-3797) OF AN APPROVED SPECIAL USE PERMIT (U-0088-01), WHICH ALLOWED THE INDIVIDUAL SALES OF ANY SIZE BEER, WINE COOLERS, AND SCREW CAP WINE at 2320 East Fremont Street (APN 139-35-805-001), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Protest letter from Rosemary Clingerman

MOTION:

REESE - APPROVED subject to condition - UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that his brother, STEVEN MACK, owns a SuperPawn in the vicinity. He did not discuss this issue with him nor will it impact his business; therefore, he will vote on the item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARCH RISMAN, 10120 South Eastern Avenue, #200, appeared on behalf of the applicant, together with BILL BHATTI, 2320 Fremont Street. MR. RISMAN thanked staff for recognizing the needs of a local, small business as it is also minority owned and operated.

COUNCILMAN REESE found no problems with this business and moved for approval.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:17 - 1:21)

3-429

CONDITIONS:

Planning and Development

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

1. Conformance to the Conditions of Approval for Special Use Permit U-0088-01.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REQUIRED ONE YEAR REVIEW

RQR-5238 - PUBLIC HEARING - APPLICANT/OWNER: COSTCO WHOLESALE - Required One Year Review of an approved Review of Condition (ROC-2882) of an approved Special Use Permit (U-0171-00) WHICH ALLOWED THE DELIVERY OF PACKAGED LIQUOR BETWEEN THE HOURS OF 6 AM AND 6 PM WHERE THE DELIVERY HOURS WERE RESTRICTED TO 6 AM TO NOON at 801 South Pavilion Center Drive (APN 137-35-714-001), P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

WOLFSON - STRIKE - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

TOM BURBA, 1304 Autumn Wind Lane, Henderson, stated that last year he had indicated that the hours of operation of 6:00 a.m. to 6:00 p.m. would not work because the trucks come from Arizona and need adequate travel time. At that time, they were approved to 9:00 p.m., which has worked well for the past year.

COUNCILMAN WOLFSON asked staff to clarify the hours of operation. ROBERT GENZER, Director, Planning and Development Department, was surprised about those hours because the agenda item reflects the hours of 6:00 a.m. to 6:00 p.m. Therefore, he asked that the item be trailed to give staff the opportunity to review the staff report.

When the item was recalled, DEPUTY CITY ATTORNEY BRYAN SCOTT advised that the item be held in abeyance because the delivery hours indicated on the public hearing notice of 6:00 a.m. to 6:00 p.m. are incorrect. The correct hours should be 6:00 a.m. to 9:00 p.m. However, MR. GENZER indicated that the item should be stricken since it was incorrectly noticed and a new item needs to be placed on the agenda with the correct information. Staff would try to place the item on the 11/17/2004 City Council agenda.

No one appeared in opposition.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

MAYOR GOODMAN declared the Public Hearing closed.

(1:19 - 1:21/1:48 - 1:51)

3-509/4-1500

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit U-0171-00.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REVIEW OF CONDITION

ROC-5057 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: US HOME CORPORATION
- OWNER: GMAC MODEL HOME FINANCE, INC. - Request for a Review of Condition Number 2 of an approved Site Development Plan Review (SDR-2026) which required five-foot side yard setbacks and 10-foot corner side setbacks in conjunction with a 97-lot single-family residential development on 28.56 acres adjacent to the east side of Torrey Pines Drive, between Azure Drive and Bullring Lane (APN 125-26-611-001 through 097), R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units per Acre), Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions and the following added condition:

- Only Lots 25, 33, 41, 49 and 53 shall have setback reduction.
- UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

CHRIS ARMSTRONG, Carter & Burgess, Inc., 6655 Bermuda Road, appeared on behalf of the applicant and stated that the item was held in abeyance in order to resolve concerns expressed by the neighbors. The neighbors have indicated they would prefer to have the setback reduction on Lots 25, 33, 41, and 53. Therefore, MR. ARMSTRONG asked that the request be amended to include those lots for the reduction of the setback.

COUNCILMAN MACK thanked the applicant for meeting with the neighbors to resolve that issue. Since every lot adjacent to the intersection has a six-foot wide landscape planter between the property line and the street, there are no true corner sites within this development. The five lots requiring a reduction of the side setbacks are all interior lots and cannot be seen from outside the project.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:21 - 1:23)

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

3-565

CONDITIONS:

Planning and Development

1. Condition Number 2 of Site Development Plan Review (SDR-2026) shall be revised to read: "The setbacks for this development shall be 18 feet in the front, 3 feet on the side and 15 feet in the rear. The setbacks for the lots along Bullring Lane shall be staggered so that no two adjacent lots have the same front setback."
2. No part of any structure may encroach into the three-foot side yard setback area.
3. Conformance to all other Conditions of Approval for Site Development Plan Review (SDR-2026) and all other applicable site-related actions as required by the Planning and Development Department and the Department of Public Works.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REVIEW OF CONDITION

ROC-5250 - PUBLIC HEARING - APPLICANT: TIM C. AYALA - OWNER: FRANCISCO MENDOZA - Request for a Review of Condition Number 3 of an approved Rezoning (ZON-3474) TO ALLOW SITE DEVELOPMENT PLAN REVIEW APPLICATIONS TO BE SUBMITTED ON AN INDIVIDUAL BASIS, WHERE A COMPREHENSIVE SITE PLAN, INCLUDING ALL LOTS, WAS REQUIRED TO BE SUBMITTED FOR APPROVAL BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY OF THE LOTS INVOLVED IN THE REZONING on 1.7 acres at 600 to 804 North Jones Boulevard (APN 138-25-310-001 through 009), R-1 (Single Family Residence) Zone under Resolution of Intent to P-R (Professional Office and Parking), Ward 2 (Wolfson). Staff recommends DENIAL. (NOTE: SUBSEQUENT TO THE MAILING OF PUBLIC HEARING NOTICES, THE AGENDA HEADING WAS REVISED)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Letter from Commissioner Lynette Boggs McDonald
5. Submitted at City Council - Protest letter from June Ingram and Pamela Stancliffe

MOTION:

WOLFSON - DENIED - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

TIM AYALA, 4600 Sunset Road, appeared on behalf of the applicant and explained that his client's property is located on the corner of Jones Boulevard, and wants to develop his property individually. Other property owners along this corridor are selling their property, and some do not have the money to obtain a site plan, making it difficult to coordinate a site plan.

JUNE INGRAM, Charleston Neighborhood Preservation, submitted a protest letter. She pointed out that a year ago the property owners agreed on this condition to assure that properties at 600 through 804 North Jones Boulevard would require a comprehensive plan.

COUNCILMAN WOLFSON asked ROBERT GENZER, Director, Planning and Development Department, to explain the history of this issue. MR. GENZER indicated that the situation along Jones

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

Boulevard has been very difficult for a number of years. When this particular application came forward, it was made clear to the applicant that the only reason for approval of the request was because they were agreeing to a condition that required these lots to be developed, not necessarily at the same time, but under one comprehensive plan. By doing that, they would be able to avoid individual driveways to these parcels and ensure that there would be cross-access and parking between the parcels. Staff adamantly opposes this current request because it would provide the same situation that is occurring south of Jones Boulevard.

COUNCILMAN WOLFSON submitted for the record a letter he received from COMMISSIONER LYNETTE BOGGS McDONALD where she asks that the request not be granted. COUNCILMAN WOLFSON asked that the applicant and the other property owners live up to the agreement that was previously reached. His predecessor worked very hard making sure that this area was developed in a consistent manner.

MAYOR GOODMAN declared the Public Hearing closed.

(1:23 - 1:31)

3-626

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT**

☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-4498 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: ADA ARGUETA - Request for a Site Development Plan Review FOR A PROPOSED OFFICE AND A WAIVER OF LANDSCAPE STANDARDS on 0.11 acres at 1709 Eastern Avenue (APN 162-01-310-199), P-R (Professional Office and Parking) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE - STRIKE - UNANIMOUS with BROWN not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The applicant was not present.

COUNCILMAN REESE noted that this had been abeyed three times and moved to strike the item.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:31 - 1:32)

3-904

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-4992 - PUBLIC HEARING - APPLICANT/OWNER: D.R. HORTON - Request for a Site Development Plan Review FOR A PROPOSED 94 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 15.17 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road (APN 125-20-301-006, 007 and 015), U (Undeveloped) Zone [TC (Town Center) General Plan designation] under Resolution of Intent to T-C (Town Center) and T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (4-0-2 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (4-0-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions and the following amended condition as read for the record as follows:

2. Unless otherwise allowed by the Planning and Development Department, the maximum height of any combination of perimeter retaining and screening walls shall not exceed eight feet from grade as measured on the exterior side of the walls.

- UNANIMOUS with BROWN not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

PATRICIA ORTIZ and RUSTY SCHAEFFER, 3011 West Horizon Ridge Parkway, Henderson, appeared on behalf of the applicant and thanked staff for working with them on this project. MS. ORTIZ concurred with staff recommendations.

COUNCILMAN MACK read into the record an amendment to Condition 2 stating that unless otherwise allowed by Planning and Development, the maximum height of any combination of perimeter retaining and screening walls shall not exceed eight feet from grade as measured on the exterior side of the wall. MS. ORTIZ concurred with the amendment.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:32 - 1:33)

3-904

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS:

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
2. The maximum height of any combination of perimeter retaining and screen walls shall not exceed eight feet, from grade as measured on the exterior side of the walls.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped August 10, 2004, except as amended by conditions herein.
5. The standards for this development shall include the following: minimum lot size of 3,715 square feet, minimum distance between buildings of 5 feet, and building height shall not exceed two stories or 35 feet, whichever is less.
6. The setbacks for this development shall be a minimum of 10 feet to the front of the house, 4 feet on the side, 5 feet on the corner side, and 15 feet in the rear, and 20 feet to the garage door from the common private drive.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit. The developer shall be required to install the landscape requirements for the median in Elkhorn Road where adjacent to the subject site and assign the maintenance of such to the homeowner's association.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. Walls must be built along the side yards and shall follow the "Z" configuration of the lot lines.

Public Works

13. Obtain a signed, notarized letter from the owner of Assessor Parcel Number 125-20-301-014 acknowledging that the proposed knuckle for the Campbell Road/Bath Drive intersection is acceptable. If acceptance is not obtained then the Campbell Road/Bath Drive intersection shall be designed to a configuration acceptable to the City Engineer.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

14. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sanitary sewer from Durango Drive to the southwest edge of this site. Obtain a 20-foot wide offsite sanitary sewer easement across the two adjacent parcels to the east or coordinate with Clark County to obtain permissions to place the sanitary sewer within the western beltway right-of-way. Provide written proof from Clark County that the beltway location is acceptable to Clark County and provide a plan that shows a minimum clearance, acceptable to the City Engineer, between the drainage channel along the beltway and the property or additional easement limits prior to approval of a Final Map. The sewer line shall be at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits
15. A Master Streetlight Plan of public street lights for the overall subdivision shall be approved prior to the submittal of any construction drawings for this site.
16. The design and layout of all onsite circulation and access drives shall meet the approval of the Department of Fire Services.
17. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Landscape and maintain all unimproved rights-of-way adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.
20. Site development to comply with all applicable conditions of approval for Z-69-02, ZON?2970, and all other subsequent site-related actions.
21. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
22. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

WAIVER TO TITLE 18

WVR-4833 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC - Request for a Waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 90 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the northwest corner of Cimarron Road and Deer Springs Way (APN 125-21-202-004), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 81 [WVR-4833] and Item 82 [SDR-4832].

ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and asked that Condition 4 of Item 82 [SDR-4832] be amended to include a five-foot corner side setback. ROBERT GENZER, Director, Planning and Development Department, indicated that this would not be an issue on interior lots.

COUNCILMAN MACK thanked the applicant and pointed out that staff's recommendation for denial was for 131 lots as proposed in the original site plan.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 81 [WVR-4833] and Item 82 [SDR-4832].

(1:33 - 1:36)

3-978

CONDITIONS:

Planning and Development

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0076-98).
2. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-4833

SDR-4832 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RANDEER, LLC - Request for an Site Development Plan Review FOR A 131 LOT SINGLE FAMILY DETACHED DEVELOPMENT on 11.3 acres adjacent to the northwest corner of Cimarron Road and Deer Springs Way (APN 125-21-202-004), TC (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL. (NOTE: Approval was for 70 units)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions and amending Condition 4 as stated for the record as follows:

4. The minimum lot size in this development shall be 3,750 square feet. The setbacks for this development are a minimum of 10 feet to the front of the house, 18 feet to the garage, 5 feet on the side, five-foot corner side on interior lots, and 10 feet in the rear.

- UNANIMOUS

MINUTES:

NOTE: See Item 81 for all related discussion.
(1:33 - 1:36)
3-978

CONDITIONS:

Planning and Development

1. A revised landscaping plan that shows shade and flowering trees along Cimarron Road shall be submitted to the Planning and Development Department prior to the issue of building permits.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. This Site Development Plan Review shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

4. The minimum lot size in this development shall be 3,750 square feet. The setbacks for this development are a minimum of 10 feet to the front of the house, 18 feet to the garage, 5 feet on the side, and 10 feet in the rear.
5. A maximum of 70 units are allowed.
6. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped September 23, 2004, except as amended by conditions herein.
7. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.
12. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.
13. Perimeter walls shall be limited to 8 feet in height.

Public Works

14. Dedicate those portions of Sky Pointe Drive not previously dedicated to complete a 90 foot width.
15. Construct, per Town Center Standards, full width half-street improvements on Sky Pointe Drive adjacent to this site concurrent with development of this site. Also construct, per Town Center Standards, all incomplete half-street improvements on Cimarron Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
16. Extend public sewer to the north and the northwest edges of this site at a depth and location acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
17. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

in the public Cimarron Road and Sky Pointe Road rights-of-way adjacent to this site prior to occupancy of this site.

18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

19. An Encroachment Permit from the Nevada Department of Transportation must be obtained for all improvements in the Sky Pointe Drive public right-of-way.

20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that non-standard cul-de-sacs without sidewalks are proposed within this subdivision and must receive specific written approval for such from the City Engineer.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

MAJOR MODIFICATION TO THE LONE MOUNTAIN MASTER DEVELOPMENT PLAN

MOD-4632 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: VC (VILLAGE COMMERCIAL) TO: MLA (MEDIUM-LOW ATTACHED RESIDENTIAL) on 3.7 acres adjacent to the southwest corner of Buckskin Avenue and Shady Timber Street (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

BROWN - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 83 [MOD-4632], Item 84 [WVR-4754] and Item 85 [SDR-4751].

ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and indicated that the request is for a major modification from Village Commercial to Medium-Low Attached. The project will be a duplex and fourplex development, which will fit with the multi-family development to the north and the Wal-Mart shopping center to be located to the south.

COUNCILMAN BROWN pointed out that Condition 24 requests that the applicant meet with the Fire Protection Engineering Section of the Department of Fire Services; therefore, he confirmed with ATTORNEY GROUNAUER that the 100-foot long streets with cul-de-sacs will meet the approval of the Department of Fire Services. ATTORNEY GROUNAUER clarified with BART ANDERSON, Public Works Department, the traffic study update is only for the impact of their property and not for the entire Lone Mountain West area.

No one appeared in opposition.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

MAYOR GOODMAN declared the Public Hearing closed on Item 83 [MOD-4632], Item 84 [WVR-4754] and Item 85 [SDR-4751].

(1:36 - 1:48)

3-1073

CONDITIONS:

Planning and Development

1. Approval of a Waiver (WVR-4754) of Title 18 intersection separation requirements and a Site Development Plan Review (SDR-4751) by the City Council.
2. Conformance to the Lone Mountain Master Development Plan, except as amended by this request.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

WAIVER TO TITLE 18 RELATED TO MOD-4632

WVR-4754 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for Waivers of TITLE 18.12.160 TO ALLOW A 210-FOOT SEPARATION DISTANCE BETWEEN INTERSECTIONS WHERE A MINIMUM OF 220 FEET IS REQUIRED WHEN PROVIDING EXTERNAL ACCESS FROM A SUBDIVISION TO AN EXISTING STREET HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET OR MORE AND OF 18.12.130 TO ALLOW A PRIVATE DRIVE GREATER THAN 150 FEET WITHOUT A CIRCULAR TURN-AROUND OR EMERGENCY SERVICE VEHICLE ACCESS GATE, IN CONJUNCTION WITH A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: MLA (Medium-Low Attached Residential)], Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

BROWN - APPROVED subject to conditions - UNANIMOUS

MINUTES:

NOTE: See Item 83 [MOD-4632] for all related discussion.

(1:36 - 1:48)

3-1073

CONDITIONS:

Planning and Development

1. Approval of a Major Modification (MOD-4632) of the Lone Mountain Master Plan to MLA (Medium-Low Attached Residential) and a Site Development Plan Review (SDR-4751) by the City Council.
2. A fire suppression system be provided to those units located adjacent to Shady Timber Street.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

3. All City Code Requirements and all City Departments design standards shall be met, other than those waived or varied through this and companion applications.
4. Comply with all applicable conditions of approval for SDR-4751 and all other applicable site-related actions.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4632 AND WVR-4754

SDR-4751 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Site Development Plan Review FOR A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: MLA (Medium-Low Attached Residential)], Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

BROWN - APPROVED subject to conditions - UNANIMOUS

MINUTES:

NOTE: See Item 83 [MOD-4632] for all related discussion.

(1:36 - 1:48)

3-1073

CONDITIONS:

Planning and Development

1. A Major Modification (MOD-4632) to an MLA (Medium-Low Attached Residential) Zone approved by the City Council.
2. Waivers (WVR-4754) of Title 18.12 to allow a reduction in the separation of street intersections and to allow a private drive to be more than 150 feet long without a turnaround or emergency service vehicle access gate approved by the City Council.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

08/18/04, except as amended by conditions herein.

5. The standards for this development shall include the following: minimum lot sizes of 1,580 square feet; minimum lot widths of 23 feet; minimum distances between buildings of 10 feet; maximum building heights of two stories or 35 feet, whichever is less; minimum front yards (to dwelling) of five feet, with no more than 1.5-foot encroachments by patio covers; maximum rear yards (to garage) of six feet, with no more than 2.5-foot encroachments by the buildings' second story; minimum side yards of either zero feet or no less than 3.5 feet; and minimum side corners of 3.5 feet.
6. The site plan shall be revised and approved by Planning and Development Department staff prior to the time application is made for a tentative map to reflect the conditions of MOD-4632 and the conditions herein.
7. Two additional shade trees along Shady Timber Street shall be provided, and Mexican Blue Palm or another acceptable variety shall be substituted for the Mexican Fan Palms. The landscape plan shall be revised and approved by the Planning and Development Department staff prior to the time application is made for a tentative map to reflect the conditions herein.
8. Landscaping and a permanent underground sprinkler system shall be installed and permanently maintained in a satisfactory manner.
9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. All City Code requirements and design standards of all City departments must be satisfied.
13. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

14. Coordinate with the City Surveyor to determine whether a Parcel Map or other mapping is necessary for this site; if such map is required it should record prior to the issuance of any permits for this site.
15. Dedicate 30 feet of right-of-way adjacent to this site for Shady Timber Street.
16. Construct all incomplete half-street improvements on Shady Timber Street adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

17. The proposed gated access driveway shall be designed, located and constructed in accordance with Standard Drawing #222a.

18. Extend public sewer in Shady Timber Street to the south edge of this site at a location and to a depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

19. An update to the Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

20. An update to the Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

21. Site development to comply with all applicable conditions of approval for rezoning application Z-33-97, the Lone Mountain Development Master Plan, and all other applicable site-related actions.

22. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

24. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

25. The distance from the face of the garage door to the private drive shall be a minimum distance of 18 feet or a maximum distance of 6 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION

VAC-4071 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: WRG DESIGN, INC. - OWNER: PALM MORTUARY, INC. - Petition to Vacate Deer Springs Way between Jones Boulevard and Maverick Street; and Maverick Street between Deer Springs Way and Rome Boulevard, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 74 [DIR-5079] and Item 86 [VAC-4071]

MOTION:

MACK - ABEYANCE to 11/3/2004 - UNANIMOUS with GOODMAN abstaining because one of the neighbors who will be most affected and has an interest in this item is his law partner

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

MAYOR GOODMAN submitted an opinion memo from the City Attorney's Office indicating his abstentions on Item 74 [DIR-5079] because it relates to the Scotch 80's subdivision where he resides, and Item 86 [VAC-4071] because one of the neighbors who will be most affected is his law partner.

LUCY STEWART, 856 East Sahara, appeared together with ATTORNEY PAUL LARSEN, 300 South Fourth Street, and GARY WESTERFIELD, Palm Mortuary, and JAY BINGHAM, one of the neighbors. MS. STEWART explained that the portion of Deer Springs to be vacated, located on the south side of Deer Springs and the east side of Maverick Street, is adjacent to Palm Mortuary. She showed on the map properties that have already been vacated by the County. The north side of Deer Springs located in the City has never been dedicated.

ATTORNEY LARSEN indicated there was a perception that a private street was being created; however, that is not the case. He asked that Conditions 1, 2, 3, 5 and 7 be deleted, which were recommended solely because of the misperception that a street was being created. He suggested that Condition 8 be modified to indicate that the applicant will show that access will be provided to all adjacent parcels. The surrounding property owners have provided affidavits, and the applicant is in the

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

process of obtaining an access easement agreement from the surrounding property owners that will specifically provide easements across this property so that people can have egress and ingress.

ROBERT GENZER, Director, Planning and Development Department, was not prepared to respond to ATTORNEY LARSEN'S request, as this was the first he heard of the changes. DEPUTY CITY ATTORNEY BRYAN SCOTT commented that the access easement had been discussed and the applicant had agreed to give up access easements to all surrounding property owners. He is not familiar with all the changes the applicant requested. ATTORNEY LARSEN reiterated that they had asked at both private and public meetings to have these conditions deleted. They are in place solely because of the misperception that a private street is being created. A private street would require a Special Use Permit and a private lot administered by a homeowners association. The applicant does not want a common lot or HOA. They want the procedure that is contemplated by NRS, Chapter 278 and by the Municipal Code, Chapter 18.20, to vacate and have the vacated property revert to the neighboring property owner. There is no need for the creation of the common lot.

MAYOR PRO TEM REESE suggested that the item be trailed until the City Attorney's office could review this issue.

When the item was recalled, DEPUTY CITY ATTORNEY SCOTT indicated that a conclusion could not be reached with regard to the conditions the applicant requested deleted. He advised the item be held in abeyance for two weeks.

COUNCILMAN MACK expressed frustration for this simple request. He asked if this situation had happened before where a street is neither a private nor a public street, and how would it be classified. BART ANDERSON, Public Works Department, replied that to his knowledge the City has never eliminated legal access to a parcel that currently has legal access without substituting some sort of private legal access, which currently the City recognizes as either a private street or a private drive. If parcels have alternative access, public streets have been eliminated entirely without reserving any easements. In this case, the proposal is for the complete elimination of the only legal access while not substituting with an easement. Even though the applicant has agreed to provide an easement in this case, staff still struggles with the exact wording everyone wants. He concurred with DEPUTY CITY ATTORNEY SCOTT'S advice for the abeyance.

ATTORNEY LARSEN reiterated they are seeking to vacate the entire street and replace that with an access easement for the surrounding property owners and not reserve anything for the public. The intention is not to create a private street; therefore, a homeowners association is not appropriate. He did not object to the two-week abeyance but requested that staff be directed to work out conditions that would be appropriate to vacation of the entire street and not creation of a private a street. DEPUTY CITY ATTORNEY SCOTT pointed out that staff has been working toward that goal, but the goal is also to protect the public. ATTORNEY LARSEN commended staff for doing a good job in their representation of the public interest. This was a misunderstanding as to what the ultimate goal was, but it has been clarified.

JAY BINGHAM, 6200 Deer Springs Way, pointed out this would be the sixth time this item has been held in abeyance and asked that the Council acknowledge those residents who were present so that they

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

would not have to return.

MAYOR PRO TEM REESE questioned the amount of times this item has been held in abeyance. DEPUTY CITY ATTORNEY SCOTT replied that it was due to the applicant wanting some conditions eliminated, which staff feels are necessary in order to protect the public. ATTORNEY LARSEN noted that the original staff conditions presented in the agenda memo dated April 22, 2004 are appropriate for complete vacation for public streets. It complies with NRS Chapter 278 and Title 18 of the Code. MR. BINGHAM added that they are trying to complete what the County has started.

ROXIE SORENSEN, 6725 Mustang Street, expressed her support for the vacation. The residents do not feel threatened by having access to Jones Boulevard cut off.

MR. ANDERSON commented that the difficulty with going forward with the item at this time is that as the conditions are changed, staff is torn between trying to listen to the Council's direction and trying to work with the applicant to make sure that things can work.

In response to MAYOR PRO TEM REESE'S request for a show of hands, seven hands were raised in support of the vacation and none in opposition.

PAT CONRAD, 5336 Elkhorn Road, appeared in support and would return at the next meeting.

DAVID CHESNOFF, 6575 Deer Springs Way, stated he would be happy to share with the applicant what has been done in the County. The agreement was to keep it open to the public. If at some point in time an association is formed and there is an effort to do something different than keep it open to the public, it would have to be brought back.

COUNCILMAN MACK asked staff to work diligently to resolve this issue.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:41 - 1:48/2:07 - 2:18)

3-1255/3-2272

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT

☒ DISCUSSION

SUBJECT:

VACATION

VAC-4747 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: M T C 118, INC. - Petition to Vacate the stubbed portion of Wittig Avenue east of Durango Drive, Ward 6 (Mack). The Planning Commission (3-2 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (3-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

APPEARANCES:

OSCAR GOODMAN, Mayor

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway

PAUL LARSEN, Attorney, 300 South 4th Street

MICHAEL MACK, Councilman

BART ANDERSON, Public Works Department

MAYOR GOODMAN declared the Public Hearing closed.

(1:51 - 2:03)

3-1605

CONDITIONS:

1. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
2. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
3. All development shall be in conformance with code requirements and design standards of all City

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

Departments.

4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION

VAC-4948 - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: CLIFF'S EDGE, LLC - Request for a Petition of Vacation to vacate U. S. Government Patent Reservations generally located south of Elkhorn Road, between Puli Road and Shaumber Road, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 88 [VAC-4948] and Item 89 [VAC-4949].

EMILY BARBER, 2727 South Rainbow Boulevard, appeared on behalf of the applicant and concurred with staff conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 88 [VAC-4948] and Item 89 [VAC-4949].

(2:03 - 2:04)

3-2102

CONDITIONS:

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for TMP-4465 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Relinquishment of Interest shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION

VAC-4949 - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: CLIFF'S EDGE, LLC - Request for a Petition of Vacation to vacate U. S. Government Patent Reservations generally located south of Elkhorn Road, between Shaumber Road and Hualapai Way, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

NOTE: See Item 88 [VAC-4948] for all related discussion.

(2:03 - 2:04)

3-2102

CONDITIONS:

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for TMP-4466 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Relinquishment of Interest shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION

VAC-4967 - PUBLIC HEARING - APPLICANT/OWNER: SAMER NAKHLE - Request for a Petition to vacate a portion of the south half of Holmby Avenue, east of Belcastro Street, south of Holmby Avenue, Ward 1 (Moncrief). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MONCRIEF - APPROVED subject conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

JOHN VORNSAND, 2564 Wigwam Parkway, Suite #308, Henderson, appeared on behalf of the applicant and asked that the City Council follow the Planning Commission's recommendation.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:04 - 2:05)

3-2160

CONDITIONS:

1. A turnaround acceptable to the Department of Public Works must be provided prior to or concurrently with the recordation of this vacation.
2. Provide a plan, acceptable to the City Engineer, that shows how the vacated area along the both the east and west sides of the centerline of Belcastro Street will be incorporated into the adjacent properties.
3. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required for the Belcastro subdivision (TMP-4968) may be used to satisfy this requirement provided that it addresses the area to be vacated.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

4. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City departments.
7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE

VAR-4934 - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC - Request for a Variance to ALLOW A LOT WIDTH OF 99 FEET WHERE 100 FEET IS THE MINIMUM WIDTH REQUIRED FOR A PROPOSED THREE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 1.79 acres adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive (APN 125-13-201-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 91 [VAR-4934] and Item 92 [SUP-4933].

STEVE KENNINGTON, 5495 Tolentino, thanked staff for the favorable recommendation.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 91 [VAR-4934] and Item 92 [SUP-4933].

(2:05 - 2:07)

3-2201

CONDITIONS:

Planning and Development

1. Approval of a Special Use Permit (SUP-4933) to allow the private street by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

Public Works

3. Construct half-street improvements including appropriate transitional paving on Jones Boulevard and Whispering Sands Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.
6. The approval of all Public Works related improvements shown on this Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Parcel Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Parcel Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT**

☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT RELATED TO VAR-4934

SUP-4933 - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC - Request for a Special Use Permit to ALLOW A PRIVATE STREET FOR A PROPOSED THREE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive (APN 125-13-201-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject conditions - UNANIMOUS

MINUTES:

NOTE: See Item 91 [VAR-4934] for all related discussion.

(2:05 - 2:07)

3-2201

CONDITIONS:

Planning and Development

1. Approval of a Variance (VAR-4934) for a reduction of the minimum lot width by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.

2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

3. Construct half-street improvements including appropriate transitional paving on Jones Boulevard and Whispering Sands Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

4. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways,

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.

6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

7. The approval of all Public Works related improvements shown on this Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Parcel Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Parcel Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VARIANCE

VAR-4986 - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA - Request for a Variance TO ALLOW 21 PARKING SPACES WHERE 32 ARE REQUIRED on 0.44 acres at 946 East Sahara Avenue (APN 162-03-801-114), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE - APPROVED subject to conditions - UNANIMOUS with MACK not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open for Item 93 [VAR-4986] and Item 94 [SDR-4990].

DENNIS RUSK, 3960 East Patrick Lane, Suite #203, appeared on behalf of the applicant and indicated he worked with staff and modified the site plan to show 24 parking spaces would be provided where 27 spaces are required. The Planning Commission recommended they provide 6 feet of foundation landscaping around the building; however this would create a hardship because of limited space. Secondly, they would like to locate the air conditioning units on the roof. A six-foot parapet would hide the units from view from all directions.

MARGO WHEELER, Deputy Director, Planning and Development Department, clarified for COUNCILMAN REESE that the applicant requested Conditions 6 and 10 be deleted. However, she recommended that they remain. COUNCILMAN REESE pointed out there is sufficient landscaping. MS. WHEELER asked that the air conditioning units on the rooftop be screened. MR. RUSK agreed.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed for Item 93 [VAR-4986] and Item 94 [SDR-4990].

(2:18 - 2:22)

3-2813

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS:

Planning and Development

1. Variance granted is for 24 parking spaces where 27 spaces are required based upon revised site plan date stamped September 17, 2004.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-4990.
3. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council. New Construction
4. The applicant shall execute an off-site parking agreement satisfactory to the City Attorney to meet Parking Requirements of Section 19.10.010 (H) of the City Zoning Ordinance as required by the Planning and Development, prior to the issuance of any building permits.
5. The site plan shall be revised, prior to the issuance of any building permits, to depict two handicap parking spaces; one van accessible and one standard handicap space, directly adjacent to the entrance of the building to be in conformance with Section 19.10.010 (G) of the City Zoning Ordinance.

Public Works

6. Conformance to all site-related conditions of approval of Site Development Plan Review SDR-4990.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4986

SDR-4990 - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA - Request for a Site Development Plan Review FOR A RETAIL BUILDING AND WAIVERS OF SETBACK AND LANDSCAPING STANDARDS on 0.44 acres at 946 East Sahara Avenue (APN 162-03-801-114), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE - APPROVED subject to conditions, deleting Conditions 6 and 10 and adding the following condition:

- Air conditioning units on rooftops shall be screened.
- UNANIMOUS with MACK not voting

MINUTES:

NOTE: See Item 93 [VAR-4986] for all related discussion.

(2:18 - 2:22)

3-2813

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing no more than 15% of the total landscaped area as turf.
3. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
4. All development shall be in conformance with the site plan and building elevations, date stamped September 17, 2004, except as amended by conditions herein.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

5. The setbacks for this development shall conform to Code standards except zero feet for the east sideyard (pursuant to V?0026-00).
6. Air conditioning units shall not be mounted on rooftops.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
8. All City Code requirements and design standards of all City departments must be satisfied.
9. Applicant shall work with staff to relocate the handicap parking space on the plan prior to the October 20, 2004 City Council Meeting.
10. The landscaping plan shall be revised to show the required landscaping around the foundation of the building.

Public Works

11. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
12. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
13. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
14. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT**

☒ **DISCUSSION**

SUBJECT:

REQUIRED SIX MONTH REVIEW - SPECIAL USE PERMIT

RQR-5234 - PUBLIC HEARING - APPLICANT: EXPRESS CASH AND LOANS - OWNER: NERCES HIMIDIAN LIVING TRUST - Required Six Month Review of an approved Special Use Permit (SUP-3747) WHICH ALLOWED A FINANCIAL INSTITUTION, SPECIFIED at 1426 East Charleston Boulevard, Suite 110 (APN 162-02-110-007), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 95 [RQR-5234], Item 97 [RQR-4959], Item 103 [SUP-4953], Item 104 [SUP-4975] and 106 [SUP-4994]

MOTION:

REESE - APPROVED subject to conditions - UNANIMOUS with MACK abstaining because his brother, STEVEN MACK, owns a SuperPawn, which provides the same type of service

MINUTES:

NOTE: COUNCILMAN MACK disclosed that he would submit a written opinion from the City Attorney's office on his abstention.

MAYOR GOODMAN declared the Public Hearing open.

SUSAN RODRIGUEZ, 2201 Paseo Del Prado, was present. COUNCILMAN REESE pointed out he met with MS. RODRIGUEZ. He is aware of staff recommendation for denial; however, MS. RODRIGUEZ has done a great job to make this business a success at this particular location.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:22 - 2:23)

3-3002

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit SUP-3747.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REQUIRED ONE YEAR REVIEW

RQR-4669 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: DENNIS HANCOCK - OWNER: ZYGMUNT AMARETTI - Required One Year Review of an approved Special Use Permit (SUP-2203) WHICH ALLOWED AN AUTO REPAIR GARAGE, MAJOR AND WAIVERS TO ALLOW MAJOR REPAIR AND SERVICE WORK OUTSIDE OF A ENCLOSED BUILDING, TO ALLOW OUTDOOR HOISTS, AND TO NOT SCREEN DISABLED OR WRECKED VEHICLES FROM SURROUNDING PROPERTIES AND ADJOINING STREETS at 2101 Fremont Street (APN 139-35-804-004), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Comments of Jose Torres in 10/6/2004 Minutes

MOTION:

REESE - APPROVED subject to conditions amending Condition 2 as follows:

2. The Special Use Permit SUP-2203 shall be reviewed in three months at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

And the following added condition:

- The fence shall be repaired, barbed wire removed and a green-type tarp installed for screening within three months and no cars shall be left outside.
- UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DENISE CONTRIDOFF appeared on behalf of the applicant and requested approval to continue conducting business at this location. She stated that not having the hoist outside limits business and asked that it remain outside. In addition, the ceilings are too low for the hoist to be inside. They have screened the fence along 21st Street. She questioned why another repair shop directly across from the applicant's business is allowed to have the hoists outside.

JOSE TORRES, Grace Management, stated his company owns an apartment building east of this property. His concern is that continuing to approve the request will create a noise nuisance that

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

emanates from the outside hoists and drilling compressors. In response to MR. TORRES' comments about the open doors, MS. CONTRIDOFF pointed out those doors are not part of the business, but are part of the warehouse business located in the same building.

COUNCILMAN REESE expressed displeasure about the barbed wire atop the fence and asked that it be removed. He also asked that the fence be repaired and screened. He asked that no automotive parts or cars be left outside and the yard be kept clean at all times. He also indicated that the hoists can be used but they must be screened. MS. CONTRIDOFF indicated that they are in the process of having the fence repaired.

ROBERT GENZER, Director, Planning and Development Department, verified with COUNCILMAN REESE that a condition should be added stating that the fence shall be repaired and a green-type tarp installed for screening. In addition, no cars shall be left outside. This should be done within three months, and the Special Use Permit should be reviewed in three months by the City Council. MR. GENZER recommended that Condition 2 be amended from eighteen months to three months.

COUNCILMAN REESE asked MR. TORRES to meet with him to discuss concerns he has about the property he manages.

MAYOR GOODMAN declared the Public Hearing closed.

(2:23 - 2:33)

3-3080

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit SUP-2203.
2. The Special Use Permit SUP-2203 shall be reviewed in eighteen months at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT

RQR-4959 - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: FOSTER DAY CORPORATION - Appeal filed by the applicant from the Denial by the Planning Commission on a Required Two Year Review of an approved Special Use Permit (U-0036-95) WHICH ALLOWED A 40 FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2401 North Decatur Boulevard (APN 138-13-801-083), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Lamar Advertising Company
5. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 95 [RQR-5234], Item 97 [RQR-4959], Item 103 [SUP-4953], Item 104 [SUP-4975] and 106 [SUP-4994]

MOTION:

WEEKLY - APPROVED subject to conditions and deleting Condition 5 - UNANIMOUS with MACK abstaining because his company, Mack Consulting, has negotiated contracts with Lamar in the past and expects to continue to do so in the future

NOTE: An initial motion for approval by WEEKLY which carried unanimously with MACK abstaining was reconsidered upon motion by WEEKLY, which carried unanimously with MACK abstaining and MONCRIEF not voting.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

SCOTT NAFTGZER, Lamar Advertising, 1863 Helm Drive, disagreed with staff's recommendation. He noted that the sign has been at this location for 10 years and has been maintained in accordance with the conditions imposed when it was originally approved.

COUNCILMAN WEEKLY recalled the item so Condition 5 could be deleted, to which the applicant had agreed during his briefing.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

(2:33 - 2:35/2:38 - 2:39)

4-24/4-160

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premise Sign use and other applicable sign requirements.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign be removed.
3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
4. Only one advertising sign is permitted per sign face.
5. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
6. If the off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4594 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: SAITTA FAMILY TRUST - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 40 FOOT HIGH, 10 FOOT X 40 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2100 South Decatur Boulevard (APN 162-06-301-006), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (4-2 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (4-2 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Mountain View Estates

MOTION:

MONCRIEF - DENIED - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVE BROWN, 4175 Cameron Street, appeared on behalf of the applicant. He thanked COUNCILWOMAN MONCRIEF for the previous abeyance and he fully supports her protection of Ward 1 residents. The applicant, MR. LUCE, intends to honor the residents' request that the billboard have no adult advertising. There have been no protests or negative comments from the residents. MR. BROWN noted that at the Planning Commission meeting the Commissioners expressed concern about empty billboards in the area. However, after surveying the area, no empty billboards were found. In addition, they have a client who will sign a long-term lease with this particular billboard, as well as several non-profit organizations who have tried to reserve space on this billboard. The proposed sign is north of Sahara Avenue and Decatur Boulevard, one of the busiest intersection in the State of Nevada. It is surrounded by commercial uses, making this location appropriate for a billboard and will not adversely impact the residents of Ward 1.

COUNCILWOMAN MONCRIEF pointed out there are numerous billboards in this particular area and moved to follow staff and Planning Commission's recommendation for denial.

No one appeared in opposition.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

MAYOR GOODMAN declared the Public Hearing closed.

(2:35 - 2:38)

4-68

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT

SUP-4844 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: JESUS IS THE ANSWER MINISTRIES - OWNER: TIM MEAD AND JULIE OVERMAN - Appeal filed by the Applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A TRANSITIONAL LIVING GROUP HOME at 1060 Hart Avenue (APN 139-21-612-043), R-2 (Medium-Low Density Residential) Zone, Ward 5 (Weekly). The Planning Commission (6-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="14"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="2"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Jesus is the Answer Ministries
5. Submitted after final agenda - Support letter from Julie and Tim Mead

MOTION:

WEEKLY - DENIED - UNANIMOUS with MONCRIEF not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

COUNCILMAN WEEKLY noted he had requested this item be held in abeyance at the last meeting so that he could gather additional information about this particular application. He met with several residents who are concerned about this request. The City Council has been consistent in trying to clean up this area. Two previous applications were both denied because of their incompatibility. Therefore, he would not support this application.

MAYOR GOODMAN was impressed with the testimony given by the speakers at the last City Council meeting. If in fact the Hart Street address will not be the home for the ministry, he would be happy to set up a meeting with the applicant to discuss finding a different location.

STEVEN WERNER, 3620 Tobias Lane, previous owner of the property, stated it was an abandoned property zoned R-2 with a unit in the back. The property was improved and in order to have the property occupied, it was rented to Section 8 tenants. However, one resulted in an arrest for prostitution and drug dealing, leaving the property in terrible condition. Since the church took possession of the property there have been no incidents. His concern is that if the property is left vacant it will become another

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

abandoned property.

WILLIAM McCURDY, 1117 Hart Avenue, stated he is aware of the work performed by the ministry, but there is no need for another transitional house in Vegas Heights. He indicated that Habitat for Humanity is trying to build housing in Vegas Heights. There are already many problems in this particular area, and he is concerned not knowing about the type of people who would live in this house. He stated for the record that he took off from his place of employment at the Las Vegas Housing Authority to protest this matter.

PASTOR McENTYRE, founder of the ministry, stated they would like to remain at this location, but looks forward to meeting with the Mayor and COUNCILMAN WEEKLY to discuss another location.

JESSIE BUSH resides behind the transitional housing. He does not oppose the Pastor's work, but does not believe it belongs in this area. The area should be cleaned first.

GINA FOUNTAIN clarified that the house is used as a dormitory for members of the congregation, who do not have a criminal record and are not sex offenders. If the concern is to clean up this area, then the crack houses should be shut down. She challenged those who oppose the ministry to rally together to find a solution to the problem.

LEE MORRIS, 1060 Hart Avenue, has lived at this address for seven months and stated it is unfair to assume that individuals that live in this home are all sex offenders. He felt it to be unfair to focus on the home when not far from this location, a corner is infested with drug dealings 24-hours a day.

MINISTER DAVID LEE BROWN, 7263 Golden Star Avenue, appeared in support and indicated that fourteen years ago his life was changed while in a transitional home in San Jose, California. The Pastor created this home on direction from God. He asked that the City Council not base their decision on people's opinions.

JERRY NEAL warned the Council about drug trafficking in this particular area, and that first and foremost a plan is needed to remove the crack houses.

BARBARA PINDER, 717 South 8th Street, appeared on behalf of the owners, TIM MEAD and JULIE OVERMAN, who live in San Francisco, California.

BEATRICE TURNER, West Las Vegas, stated there are crack houses on Hart Avenue. The residents do not want a transitional house. She suggested the applicant purchase a motel across from the Reverend's church and convert that into a transitional home.

HERB BONNER, 1060 Hart Avenue, stated the Pastor's intention in placing a transitional house in this community is to provide affordable housing for his members. He disagreed that this house will bring criminal elements since this area is already infested with drugs.

MAYOR GOODMAN indicated he would meet with the Pastor and members of the ministry to discuss another location. COUNCILMAN MACK asked to be present at that meeting because this is not only a

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

Ward 5 issue. There might be a location available in other parts of the City.

MAYOR GOODMAN declared the Public Hearing closed.

(2:39 - 3:04)

4-205

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4918 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: COKE MAGGIE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PRIVATE STREET on property adjacent to the southwest corner of Coke Street and Horse Drive (APN 125-09-702-001 and 002), U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan Designation], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Request to strike item from agenda from David Koerber

MOTION:

REESE - Motion to STRIKE Item 100 [SUP-4918] and to HOLD IN ABEYANCE Item 74 [DIR-5079] to 12/15/2004 - UNANIMOUS with GOODMAN abstaining on Item 74 [DIR-5079] because it relates to the Scotch 80's subdivision where he resides, and any action could directly affect his property value

MINUTES:

There was no discussion.

(1:03 - 1:06)

2-1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4694 - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: RICHARD AND BARBARA STIMAC AND KAY RODRIGUEZ - Request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 7075 West Craig Road (APN 138-03-701-003), C-1 (Limited Commercial) Zone Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - ABEYANCE to 11/17/2004 - UNANIMOUS with GOODMAN abstaining because he and ATTORNEY JAY BROWN are partners on a piece of property on West Charleston Boulevard

NOTE: COUNCILMAN MACK disclosed that a Timbers Bar and Grill in the vicinity is owned by his brother-in-law, ANDREW DONNER. He has not mentioned this application to him nor will it impact the business; therefore, he would vote on this item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open and disclosed his abstention.

ATTORNEY JAY BROWN, 520 South 4th Street, appeared on behalf of the applicant together with MR. BO PALI, CEO of Orion Outdoor Media. He asked that the City Council follow staff and the Planning Commission recommendation.

COUNCILMAN MACK indicated he and COUNCILMAN BROWN had discussions about proposed flooding improvements for this particular area. COUNCILMAN BROWN noted that nothing could be developed on property to the south behind the shopping center until additional flood facilities are built. However, he is not aware of the timeframe. He questioned whether a billboard could be put on the property if the flood facilities are built and if a billboard would be appropriate if a higher density development should be built at that location. He mentioned that an existing billboard was approved by the County near the Timbers restaurant with the commitment that the billboard company develop a one-acre park underneath the billboard. Regarding this request, he was apprehensive about supporting it due to its timing, the history along this corridor, and flood issues.

ROBERT GENZER, Director, Planning and Development Department, commented that the property is

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

appropriately zoned C-1. Unless an applicant were to come and request a General Plan Amendment to the rezoning, the site as currently planned would be for some sort of commercial use. The property to the north side of Craig Road, which now has the vacant building and some additional vacant property, is similarly zoned for commercial uses. This corridor is the one corridor in the northwest area of the City that allows for placement of billboards where deemed appropriate by the City Council. From that standpoint, staff believes this is a proper location.

COUNCILMAN BROWN pointed out that a trend has shown that it is the higher density residential that is seeking these five to ten acre parcels. His concern is that this corridor will change dramatically. MR. GENZER responded that this particular property has limited access. He is not sure that it would particularly lend itself to a multi-family development. If one was proposed, he would tend to think that it would likely be an apartment type project as opposed to a for sale product. At the present time the only thing being considered is this particular billboard. But it appears the better access to the site is through the commercial piece and it does not lend itself to a residential use.

COUNCILMAN BROWN asked if the proposed draft ordinance regarding billboards speaks to vacant pieces. MR. GENZER replied affirmatively and it may be the case where if the billboard were the only use under that proposal it would not be allowed. However, the ordinance is not in effect today.

COUNCILMAN BROWN reiterated that no buildings are allowed on this parcel, the Payless parcel and the parcel south of the shopping center until upstream flood control facilities are built. BART ANDERSON, Public Works Department, commented that the parcel to the north has a specific condition to that effect. The rezoning for this particular site had a condition that they meet with the flood control section to determine if any buildings could be built on this site. It might require significant modification to what they had proposed. Overall, extreme flooding impacts this site.

In light of the discussion held during the morning session regarding the draft ordinance and the concern about flood, COUNCILMAN MACK suggested the item either be tabled or abeyed. ATTORNEY BROWN stated his client's understanding is that this property is in escrow for a commercial use, and that he would agree to an abeyance.

COUNCILMAN MACK indicated the abeyance would provide for the opportunity to see what is going to happen with the commercial use and see what is happening with the Flood Control District's plans as well. MR. GENZER informed COUNCILMAN MACK that if the item is tabled it will be removed from the agenda and at such time staff is able to put it back on, staff would send out notifications.

COUNCILMAN BROWN noted it is not his intention to allow a new ordinance to come in that would change the rules. He would like to know if the property has been sold and if it can be developed. He does not believe this is the wrong site for a billboard, but does not feel comfortable making a decision at this time. ATTORNEY BROWN expressed concern that his client is paying money on those leases. If the item were tabled, his client would not know whether it would be for 30 days, six months or nine months. His client spent a substantial amount of money on this property and would prefer to know a specific date when the decision would be made.

COUNCILMAN BROWN commented that unless someone can demonstrate that something has changed

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

and they can go in and develop that property commercially in a reasonable timeframe, he cannot support a billboard going on a vacant piece of land that will sit for five years, especially if it might open up another corridor across from the site and set a precedent.

COUNCILMAN MACK moved to hold the item in abeyance for 30 days to determine the status of the proposed commercial project. ATTORNEY BROWN concurred with the abeyance.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(3:04 - 3:16)

4-1025

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4814 - PUBLIC HEARING - APPLICANT: HANDY CASH LOAN CENTERS - OWNER: CHEYENNE LORENZI, LTD - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 IS REQUIRED FROM A RESIDENTIAL PROPERTY, A SEPARATION OF 800 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE, AND A WAIVER OF THE 1,500 SQUARE FOOT INTERIOR SPACE REQUIREMENT adjacent to the southeast corner of Cheyenne Avenue and Rainbow Boulevard (APN 138-14-101-005), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Handy Cash Loan Centers

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with MONCRIEF voting NO

NOTE: COUNCILMAN MACK disclosed that he was informed that the proposed business would offer the same type of services SuperPawn offers, owned by his brother STEVEN MACK. He was then informed that the business offers a different type of lending. Being somewhat a similar business, he asked DEPUTY CITY ATTORNEY BRYAN SCOTT'S opinion, who advised that this particular company offers installment loans. Since SuperPawn does not offer installment loans, he could vote on the item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ROBIN and LAWRENCE LICAUSI, 333 North Rancho, Suite 453, were present. MR. LICAUSI stated he spent seven months trying to get this location licensed. He has been licensed in the City of Las Vegas for 11 years at other locations. He also holds State and Chapter 675 licenses. He felt that an Ordinance sponsored by COUNCILWOMAN MONCRIEF classified his business into an industry they are not a part of, and it is unfair that they are now subjected to rules and regulations, such as the separation distance requirement of 1500 feet. This Ordinance has prohibited his business' growth. MR. LICAUSI explained that the payday industry lends money without reducing principal. The borrower continues to pay the interest until it is paid off. The payday loan companies do not operate legitimately. He indicated

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

that the Planning Commission denied his request because of this Ordinance but approved two other applicants whose business encroach on the ordinance restrictions. MR. LICAUSI indicated that the site is located at Cheyenne Avenue and Rainbow Boulevard, across from the Wal-Mart shopping center. An existing financial company is more than 1000 feet away.

COUNCILMAN MACK commented that it seems unfair that the Ordinance affects this different type of business. DEPUTY CITY ATTORNEY SCOTT explained that this Ordinance was discussed at Recommending Committee, City Council and Planning Commission meetings, and people from the industry were present at those meetings. The applicant had ample opportunities to participate in that process.

MAYOR GOODMAN declared the Public Hearing closed.

(3:16 - 3:28)

4-1479

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050B for the Financial Institution, Specified use with the exception of: a) the 200-foot minimum separation distance requirement from residential property, b) the 1,000 foot minimum separation distance requirement from a similar use, and c) the 1,500 square-foot interior requirement which are hereby waived.
- 2 The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4953 - PUBLIC HEARING - APPLICANT: KELLY'S KASINO - OWNER: SIXTH PLAZA, LLC
- Request for a Special Use Permit FOR A TAVERN AND WAIVER FROM THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING TAVERN adjacent to the southeast corner of Craig Road and Jones Boulevard (APN 138-01-312-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="2"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="1"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Protest letters from Linda G. Lowery and Russell L. Glaze
5. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 95 [RQR-5234], Item 97 [RQR-4959], Item 103 [SUP-4953], Item 104 [SUP-4975] and 106 [SUP-4994]
6. Backup referenced from the 9/23/2004 Planning Commission Item 42

MOTION:

BROWN - APPROVED subject to conditions and an added condition as read for the record as follows:

- There shall be no neon, nor blinking signage on the westerly façade and no signage on the rear.
- UNANIMOUS with GOODMAN not voting and MACK abstaining because a month ago counsel for Timbers Bar and Grill, owned by his brother-in-law ANDREW DONNER, approached him and he feels he could not be objective; therefore, he would abstain from voting on this item.

NOTE: COUNCILMAN REESE disclosed that he met MR. KELLY in 1975 when he played on a softball team sponsored by MR. KELLY.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

CALVIN HAYWOOD, Westar Architects, 701 Bridger, appeared on behalf of PATRICK KELLY, Kelly's Casino, as well as the owner of the property, Legal Plaza, LLC. He clarified that Sixth Plaza, LLC is no longer the owner. He concurred with all staff recommendations. The owner is in the process of adding cultured stone along the front to refurbish the property. The applicant needs to relocate due to the 215 expansion.

LINDA WESTMYERS, 5104 Cold River Avenue, past President of the Northwest Area Residents Association (NORA), stated that NORA, Planning Staff and at the time DEPUTY CITY ATTORNEY

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

STEVE GEORGE worked hard to place conditions on these properties. MR. KELLY kindly stated his intentions to NORA, but indicated that the conditions were no longer applicable because the property had changed hands. She asked what conditions remain on this property.

ROBERT GENZER, Director, Planning and Development Department, explained the property was originally rezoned in 1990 from Residential to C-1 (Limited Commercial). A number of conditions were placed on this site at that time. One of those was a prohibition of bars on the overall site. In 1993 the City Council undertook a review of condition to delete original Conditions 1, 2 and 15. Condition 15 stated no bars are permitted on the property. At that time the City Council voted to remove that condition, as well as the other two. Until now, no applications for taverns have come forward. A number of years ago discussion was held for a different application that never materialized. Most importantly, within the last year there is now the ability to waive the 1500-foot tavern separation distance requirement whenever a proposed location is on the opposite side of a 100-foot wide or greater right-of-way. That is the situation that currently exists. The closest tavern to this particular site is on the north side of Craig Road. The other tavern within 1500 feet is the Cactus Club on the west side of Rancho Drive. The applicant is now able to apply for the waiver and staff understands the history of the site. Given the distance separation between this particular property and the closest existing taverns, and the fact that all access from the property is to both a primary and a secondary major street, staff recommended approval.

MS. WESTMYERS mentioned that other conditions included no gaming or alcohol, no sale of package liquor and prohibited a 24-hour operation. MR. GENZER replied that these conditions do not apply. MS. WESTMYERS asked that the City Council consider the needs of the residents since these important conditions are absent from staff recommendations. This is an established neighborhood, and the residents do not want to see another business fail. She asked that the City Council deny the application.

ED GOBEL, 3017 Quiet Breeze Court, stated the applicants should adhere to conditions imposed by the City Council. NORA fought hard against the shopping center when first proposed. Most of the shopping center is vacant because it was never necessary. Two taverns already exist in the area. The quality of life of the neighborhood needs to be protected. The City Council promised the residents that liquor would never be sold at this location. Citizens should be able to rely on the representation of the City Council, and any conditions imposed should remain. A third tavern with gaming is not needed in a failing shopping center.

DON BOURCIER, 9056 Dove River Road, owner of Geckos Lounge located in the vicinity, expressed concern about the 1500-foot separation rule and asked that it remain as imposed. There are approximately six bars within a one-mile radius, and competition is hard for a family-owned business. He asked that the City Council deny the application.

PATRICK KELLY, 7400 Radville Drive, asked that the City Council approve the waiver request. He indicated that the family-owned business first opened in 1965 at the Jones Boulevard and US95 location, but due to the US95 expansion, they had to find another location. They are a neighborhood friendly business that offers a free cup of coffee and free hot dogs with the purchase of a soda or beer. The business will be beneficial to the neighborhood. MR. KELLY pointed out the tavern is not a casino, as there are only 15 slot machines with a restricted gaming license. He disagreed with comments that the

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

shopping center is failing and pointed out that the prior owners did not make an effort to obtain tenants for the shopping center. However, the new owners are striving to fill the shopping center, and he is certain that the center will thrive and benefit the entire neighborhood.

MAYOR GOODMAN commented that the applicant's business located at Jones Boulevard has been great for that shopping center.

JASON THOMPSON, Tower Realty, stated he is the new owner of the shopping center and thus far has signed two new leases. A Wal-Mart and a Lowes will be located in the vicinity as well.

COUNCILMAN BROWN agreed with MR. BOURCIER'S comments about saturation of taverns. It is a very competitive business, and both MR. BOURCIER and MR. KELLY have been in business for many years. He acknowledged NORA for working together with the City. After meeting with the applicant and hearing about the applicant's history with the City as a licensee, and more importantly that the new location will be far smaller than the existing location, as well as the fact that both staff and Planning Commission recommended approval, he would support the request. New rooftops and commercial traffic will make this shopping center thrive and Geckos Lounge will continue to do well. It is incumbent upon the applicant and other business owners to a good neighbors.

MARGO WHEELER, Deputy Director, Planning and Development Department, asked COUNCILMAN BROWN if a condition regarding the signage needed to be added. COUNCILMAN BROWN replied that his understanding is that there is no signage on the back of the building. MR. KELLY verified that one of the conditions requires that no signage will be on the roof or in the back. COUNCILMAN BROWN asked that the existing panel on the side of the building not be made blinking neon and that it be subtle. MS. WHEELER read into the record that there shall be no neon, no blinking signage on the westerly façade and no signage on the rear.

MAYOR GOODMAN declared the Public Hearing closed.

(3:28 - 3:53)

4-1972

CONDITIONS:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Per condition of Approval #7 of original Site Development Plan Review [Z?0140-89(10)], no advertisement signs shall be placed on the rear or rooftops of the building.
3. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern).
4. An updated parking analysis shall be provided prior to issuance of any permits or business licenses.
5. All City Code requirements and design standards of all City departments must be satisfied.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4975 - PUBLIC HEARING - APPLICANT: DOLLAR FINANCE - OWNERS: JIMMY SPIROPOLOUS TRUST AND NICK AND MARK KEZIOS FAMILY TRUST - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED TO ALLOW A 19 FOOT MINIMUM DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY WHERE 200 FEET IS REQUIRED, AND 634 FEET FROM A SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 4225 West Sahara Avenue (APN 162-07-501-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="1"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 95 [RQR-5234], Item 97 [RQR-4959], Item 103 [SUP-4953], Item 104 [SUP-4975] and 106 [SUP-4994]
5. Backup referenced from the 9/23/2004 Planning Commission Item 43

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with MACK abstaining because SuperPawn, owned by his brother, STEVEN MACK, offers similar services

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ED LISICKI, 4211 West Sahara Avenue, Suite B, stated he would like to move his business 632 feet from its current location. He does not believe moving his business will impact the residents, as it is currently 19 feet away from residential. The 19-foot separation is a service road with a seven and a half foot wall with no egress or ingress to residential areas.

JIM SPIROPOLOUS, owner of 4225 West Sahara, indicated that in April he and MR. LISICKI negotiated a lease and spent money to construct and divide the building to suit the business. There will be approximately 30 parking spaces available. This business will be the only one on this particular street, and there is no access to the business from the residential areas.

COUNCILWOMAN MONCRIEF informed the applicant she would have preferred to meet with him to discuss this issue. However, she realizes that the applicant is only moving down from the existing business and moved for approval. She commented that the ordinance she sponsored was to be drafted

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

to give the Planning Commission and City Council some guidelines for making decisions on payday loans businesses so there will not be one on every corner.

DEPUTY CITY ATTORNEY BRYAN SCOTT clarified with MR. SPIROPOLOUS that when an applicant leaves a location, it triggers the requirement for a Special Use Permit. MARGO WHEELER, Deputy Director, Planning and Development Department, added that this is not a conditional license. The requirement is that it has to be exercised within the one year. A review is not required. A business license must be obtained for that location within a year.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(3:53 - 4:00)

4-3190

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
2. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT

☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4984 - PUBLIC HEARING - APPLICANT: OCHA CUISINE - OWNER: RICHARD L. CALCATERRA 1985 TRUST AND MELISSA F. CALCATERRA 1985 TRUST - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR at 2211 Las Vegas Boulevard South (APN 162-03-410-006), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE - APPROVED subject to conditions - UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that the subject property is near a SuperPawn owned by his brother, STEVEN MACK; however, he does not believe it will have any effect on his business.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

LATANA PON PAN, owner of Ocha Cuisine, was present.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:00 - 4:01)

4-3520

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Restaurant Service Bar.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4994 - PUBLIC HEARING - APPLICANT: MILFORD MAYNARD - OWNER: HUGH N. CANADY - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED AND A WAIVER TO ALLOW 1,025 SQUARE FEET OF FLOOR AREA WHERE 1,500 SQUARE FEET IS REQUIRED at 1591 North Decatur Boulevard (APN 138-25-503-005), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission vote (3-3) ended in a tie, therefore it is going forward with NO RECOMMENDATION. Staff recommends DENIAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission vote (3-3) ended in a tie, therefore it is going forward with NO RECOMMENDATION. Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Opinion memo from Deputy City Attorney Bryan Scott for Item 95 [RQR-5234], Item 97 [RQR-4959], Item 103 [SUP-4953], Item 104 [SUP-4975] and 106 [SUP-4994]

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with MACK abstaining because immediately adjacent to this site is a business owned by his brother, STEVEN MACK, who provides similar services and GOODMAN, BROWN and WEEKLY excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

When the meeting reconvened, MILFORD MAYNARD, Western Union, 1591 North Decatur Boulevard, stated that the request is to allow cashing of payroll checks and government issued checks. He does not intend to lend money or cash personal checks. He does not require a waiting area and his customers will not need any applications or forms. He would only be extending his Western Union business into check cashing.

MAYOR PRO TEM REESE commented that three yes votes would be required to approve or deny this item. However, DEPUTY CITY ATTORNEY BRYAN SCOTT advised that four would be needed because the board number does not go down due to absences. It only goes down as a result of abstentions with letters prior to the meeting advising that they can abstain. COUNCILMAN MACK informed DEPUTY CITY ATTORNEY SCOTT that he had the letter. DEPUTY CITY ATTORNEY SCOTT announced that COUNCILMAN MACK did not need to abstain on Item 102 [SUP-4814] because it was clarified that the request was for an installment loan company and not a check-cashing company. The letter would be amended to that effect.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**MINUTES - Continued:**

COUNCILWOMAN MONCRIEF indicated this particular area is not over-saturated with this type of business, and it is surrounded by C-1 (Commercial).

MARGO WHEELER, Deputy Director, Planning and Development Department, verified with COUNCILWOMAN MONCRIEF that the condition was that this business be check-cashing only, no cash advances or loans remain on the application. MR. MAYNARD agreed.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(4:22 - 4:26)

5-418

CONDITIONS:

Planning and Development

1. The financial business at the subject location shall be limited to check cashing only, no cash advances or loans.
2. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.
3. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
4. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT

SUP-4996 - PUBLIC HEARING - APPLICANT: EN ENGINEERING - OWNER: MARY BARTSAS 13, LLC - Request for a Special Use Permit FOR A HOME IMPROVEMENT WAREHOUSE STORE adjacent to the northwest corner of Craig Road and Jones Boulevard (a portion of APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="2"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Protest letter from Francisco Monroig
5. Backup referenced from the 9/23/2004 Planning Commission Item 46

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

KRIS MUNN, EN Engineering, 245 East Warm Springs Road, concurred with all conditions.

MARVIN MILLER, 6109 Burned Hills Drive, mentioned that 16 homeowners who reside directly adjacent to the property in question asked that this item be held in abeyance. He did not submit the petition for the record. The same residents opposed the rezoning application request for this property and asked that it be single-family dwellings. The residents have had no discussions with COUNCILMAN MACK, the developer or the property owner. The homeowners do not get any consideration and a petition signed by 57 homeowners was ignored at that time.

COUNCILMAN MACK commented that his office is very diligent on working closely with the residents. The request conforms to all the requirements. The property to be developed is closest to Jones Boulevard and Craig Road and the "not a part" is not going to be developed. He is certain that the developer will be happy to meet with the residents to discuss any concerns. Development on this parcel is long overdue and Lowes will be a welcome addition to the neighborhood.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(4:26 - 4:31)

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

5-555

CONDITIONS:

Planning and Development

1. Conformance to all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Site Development Plan Review SDR-4995.
2. Outside sales are prohibited.
3. Loading areas and outside storage areas shall be screened from view of adjacent properties and public streets by a screening device at least eight feet in height.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4996

SDR-4995 - PUBLIC HEARING - APPLICANT: EN ENGINEERING - OWNER: MARY BARTSAS 13, LLC - Request for a Site Development Plan Review FOR A 204,193 SQUARE FOOT COMMERCIAL DEVELOPMENT AND A WAIVER OF THE BUILD TO LINE STANDARDS on 16.5 acres adjacent to the northwest corner of Craig Road and Jones Boulevard (a portion of APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="2"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Backup referenced from the 9/23/2004 Planning Commission Item 47

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

KRIS MUNN, EN Engineering, 245 East Warm Springs Road, was present.

COUNCILMAN MACK asked that the applicant be available to meet with the residents. If a meeting is needed, his office will be happy to sponsor one. MR. MUNN noted he would be happy to schedule a meeting.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(4:31 - 4:32)

5-729

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. Compliance with all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Special Use Permit SUP-4996.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

3. All City Code requirements and design standards of all City departments must be satisfied.
4. All development shall be in conformance with the site plan and building elevations, date stamped September 23, 2004, except as amended by conditions herein.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.] [non-residential development]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
14. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

15. Coordinate with the City Surveyor to determine whether a Parcel Map or other map is necessary; if such a map is required, it should record prior to the issuance of any permits for this site and shall indicate joint access between all parcels created by the map.
16. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of any maps for this site or the issuance of any permits. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
17. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
18. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits or eliminate access to the parcel to the west.
20. Unless otherwise allowed by the City Engineer, the sanitary sewer connection shall be made from the existing main within Craig Road at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and this site shall also provide a public sewer stub for the remaining parcel portion to the north at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.
21. Landscape and maintain all unimproved rights-of-way on Jones Boulevard and Craig Road adjacent to this site concurrent with development.
22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Jones Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
23. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and improvements within the Craig Road public right-of-way adjacent to this site prior to the issuance of any permits.
24. Site development to comply with all applicable conditions of approval for Z-81-02 and all other applicable site-related actions.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REZONING

ZON-4981 - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: U (UNDEVELOPED) [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 5.09 acres at the northwest corner of Tee Pee Lane and Farm Road (a portion of APN 125-18-601-015), Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 109 [ZON-4981] and 110 [SDR-4982].

MARK STURDIVANT, 3161 East Warm Springs Drive, appeared on behalf of the applicant and concurred with staff recommendations, with the exception of Condition 5, pertaining to related SDR-4982. There was a conflict between the plan, which showed a 20-foot setback, and the lot details, which listed an 18-foot setback. He requested a correction to that condition for minimum setbacks of 18 feet consistent with the original intent. MARGO WHEELER, Deputy Director of Planning and Development, responded that the correction was acceptable to staff.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 109 [ZON-4981] and 110 [SDR-4982].

(4:32 - 4:35)

5-760

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

2. Approval of a Site Development Plan Review (SDR-4982) by the Planning Commission and City Council prior to the issuance of any permits for this development.

Public Works

3. Dedicate 30 feet of right-of-way adjacent to this site for Donald Nelson Avenue, 40 feet for Farm Road, 40 feet for Tee Pee Lane, a 20 foot radius on the southwest corner of Donald Nelson Avenue and Tee Pee Lane and a 25 foot radius at the northwest corner of Tee Pee Drive and Farm Road.

4. Construct half-street improvements including appropriate overpaving on Donald Nelson Avenue, Farm Road, and Tee Pee Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

6. Obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.

7. Landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4981

SDR-4982 - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR A 26 LOT SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT on 5.09 acres at the northwest corner of Tee Pee Lane and Farm Road (a portion of APN 125-18-601-015), U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] [PROPOSED: R-PD6 (Residential Planned Development - 6 Units Per Acre)], Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions and amending Condition 5 to read:

5. The setbacks for this development shall be a minimum of 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.

- UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

NOTE: See Item 109 [ZON-4981] for discussion.

(4:32 - 4:35)

5-760

CONDITIONS:

Planning and Development

1. Approval of a Rezoning (ZON-4981) to R-PD6 (Residential Planned Development - 6 Units Per Acre) by the Planning Commission and City Council prior to the issuance of any permits for this development.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped August 26, 2004, except as amended by conditions herein.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

4. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. Air conditioning units shall not be mounted on rooftops.
8. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

9. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
10. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
11. Site development to comply with all applicable conditions of approval for ZON-4981 and all other subsequent site-related actions.
12. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
13. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

REZONING

ZON-4987 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-D (SINGLE FAMILY RESIDENTIAL-RESTRICTED) on 3.88 acres adjacent to southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), Ward 6 (Mack). The Planning Commission (4-1-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="4"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (4-1-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Verde Acres Site Plan 2 filed under Item 111 [ZON-4987]
5. Backup referenced from the 9/23/2004 Planning Commission Item 31

MOTION:

MACK - APPROVED subject to conditions and amending Condition 2 to read as follows:

2. Rezoning approval is pursuant to the revised site plan submitted at the October 20, 2004 City Council meeting.

- UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 111 [ZON-4987], Item 112 [SUP-4988] and 113 [WVR-4989].

ART MACARAEG, WRG, 3011 West Horizon Ridge, Henderson, appeared on behalf of the applicant and concurred with all conditions. At the Planning Commission hearing, it was recommended that the twelve lots proposed in compliance with the R-D zoning be reduced to 11 lots. The developer has redesigned the project to 11 lots, and the revised layout has been provided to the Council.

COUNCILMAN MACK thanked the applicant for the reduction of lots. MARGO WHEELER, Deputy Director of Planning and Development, requested that Condition 2 be amended to reflect the revised site plan submitted at the 10/20/2004 Council meeting. MR. MACARAEG agreed to the amendment.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 111 [ZON-4987], Item 112 [SUP-4988] and 113 [WVR-4989].

(4:35 - 4:39)

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

MINUTES - Continued:

5-857

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Rezoning approval is pursuant to the submitted revised site plan date stamped September 14, 2004 except as amended herein.
3. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
4. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
5. Air conditioning units shall not be mounted on rooftops.
6. All City Code requirements and design standards of all City departments must be satisfied.
7. The Tentative Map shall show only five building lots along the east property line. A total of 11 lots are allowed.
8. Only single story homes may be built on the five lots along the east property line.

Public Works

9. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
10. Construct half-street improvements, including appropriate overpaving, on La Madre Way and Verde Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
11. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
12. Unless otherwise allowed by the City Engineer, extend public sanitary sewer from this site to connect with the existing sewer at the intersection of Lone Mountain Road and Leon Avenue at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and provide a plan for this connection prior to submittal of a Final Map for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004**CONDITIONS - Continued:**

13. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

14. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ **CONSENT**

☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT RELATED TO ZON-4987

SUP-4988 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Special Use Permit FOR PRIVATE STREETS IN A PROPOSED 13 LOT SINGLE FAMILY DEVELOPMENT adjacent to the southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), R-E (Residence Estates) Zone [PROPOSED: R-D (Single Family Residential-Restricted)], Ward 6 (Mack). The Planning Commission (4-1-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (4-1-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Protest letter from Paula and Daniel Leo
5. Submitted at City Council - Verde Acres Site Plan 2 filed under Item 111 [ZON-4987]
6. Backup referenced from the 9/23/2004 Planning Commission Item 32

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

NOTE: See Item 111 [ZON-4987] for discussion.

(4:35 - 4:39)

5-857

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.04.050 for the Private Streets use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

5. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
6. Private streets shall be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
8. Site development to comply with all applicable conditions of approval for ZON-4987 and all other subsequent site-related actions.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

WAIVER TO TITLE 18 RELATED TO ZON-4987 AND SUP-4988

WVR-4989 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATELY 200 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS MINIMUM DISTANCE REQUIRED FOR A PROPOSED 13 LOT SINGLE FAMILY DEVELOPMENT on 3.88 acres adjacent to the southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), R-E (Residence Estates) Zone [PROPOSED: R-D (Single Family Residential-Restricted)], Ward 6 (Mack). The Planning Commission (4-1-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="1"/>
City Council Meeting	<input type="text" value="0"/>

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="0"/>
City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:

The Planning Commission (4-1-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Verde Acres Site Plan 2 filed under Item 111 [ZON-4987]
5. Backup referenced from the 9/23/2004 Planning Commission Item 33

MOTION:

MACK - APPROVED subject to conditions - UANIMOUS with GOODMAN, BROWN and WEEKLY excused

MINUTES:

NOTE: See Item 111 [ZON-4987] for discussion.

(4:35 - 4:38)

5-857

NOTE: COUNCILMAN MACK pointed out that the maps both on the back of the agenda and those displayed for KCLV should be updated to include land north of Moccasin, surrounding the Paiutes and include both sides of US95. DEPUTY CITY MANAGER HOCHENS assured COUNCILMAN MACK that staff will examine the situation.

(4:38 - 4:39)

5-994

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4987) and Special Use Permit (SUP-4988).

2. All City Code Requirements and all City Departments design standards shall be met, other than those

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CONDITIONS - Continued:

waived or varied through this and companion applications.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 20, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐

CONSENT

☐

DISCUSSION

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

MINUTES:

DB 1625 Curtis Drive, DB 717 W Washington Avenue, NL 2824 Sing Song Way, DB 704 W Wilson Avenue, DB 212 W St. Louis Avenue, DB 210 W Monroe Avenue, SUP-4830, SUP-5028, SUP-5065, SUP-5067, SUP-5072, SUP-5105, SUP-5107, SUP-5228, VAC-4998, VAC-5011, VAC-5012, VAC-5013, VAC-5019, VAC-5024, VAC-5025, VAC-5029, VAC-5043, VAC-5044, VAC-5069, VAC-5101, VAR-5086 and VAR-5124 - 11/3/2004 AGENDA



AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 20, 2004

CITIZENS PARTICIPATION:

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

VALERIE JUICK, 5112 Voyer Ranch Road, addressed problems with Toll Brothers Builders dating back to December 2002. Conditions were imposed by this Council for decorative perimeter block walls surrounding the complex with 20 percent contrasting material. No efforts have been made to resolve the issues involving the non-decorative block wall, weep holes in the wall draining onto their properties and damage done to existing fences by the builder, which the builder refuses to repair. Following start of construction of a gray block wall in August 2004, she attempted to get the builder to build a decorative wall. Based on their refusal to comply, she filed a complaint with Planning and Development. She presented photographs of the wall abutting her property. At that point she investigated the definition of decorative wall, which she read into the record to demonstrate that the wall shown in the photographs does not comply. The same photographs were examined at Planning and Development, and she was assured the builder's bond would be held, preventing the builder from obtaining further permits pending a meeting including the City representatives, Toll Brothers and their attorneys. Neither she nor any other citizen was allowed to attend. COUNCIL LIAISON SKAAR assured her that the conditions would have to be complied with and non-complying walls would be removed.

She met JASON ALLSWANG, Planning and Development, at the site. He agreed the walls did not comply with the City code or the conditions imposed. Another meeting was scheduled, but the outcome was unclear. The builder sent her a letter stating the construction was pursuant to City code. Thereafter she was unable to reach anyone. Construction recommenced, and only a portion of the block wall was removed. She submitted another photograph demonstrating the wall as it currently exists.

The neighbors and citizens are seeking a real answer and clarification. She went to the Planning and Development Department this morning in an attempt to discuss the matter with DAVE BRATCHER, Planning Supervisor in charge of the case. MR. BRATCHER has never returned a call, and she was advised that conditions were changed during the private meeting, but she could not obtain a copy of the changes. Today she received a paper that permits a flat-faced wall with color and texture at the top. It does not state that the gray block at the bottom may be left or acknowledge that Planning and Development is aware that the builder has done so.

MS. JUICK asked whether the wall is consistent with the standards and conditions the Council meant to impose. MAYOR PRO TEM REESE explained that the Council is not ignoring her, but the Council is prohibited from taking any action under this portion of the agenda. However, he directed DEPUTY CITY MANAGER STEVE HOUCHENS to meet with MS. JUICK in conjunction with COUNCILMAN MACK'S office. COUNCILMAN MACK advised there is a meeting scheduled that will include MS. JUICK, Public Works, Planning and Development, City Attorney's office and the builder. There are issues at hand and damage caused will not be acceptable. DEPUTY CITY ATTORNEY BRYAN

MINUTES - Continued:

SCOTT pointed out the meeting is being scheduled by COUNCIL LIAISON SKAAR. The goal is to schedule just one comprehensive meeting. MAYOR PRO TEM REESE used this as an example where developers agree to a condition believing that once something is built, there will be no enforcement. Despite the difficulties it may present, he would support tearing down the wall and building something in compliance. MS. JUICK questioned whether the builders will be present and advised that she has been sent a certified letter instructing her to stop speaking on this matter. DEPUTY CITY ATTORNEY SCOTT repeated that the builder will be present.

(4:42 - 4:53)

5-1093

JIM RELATI, Carpenters Contractors Cooperation Committee, 8930 West Tropicana Avenue, appeared to inform the Council of the fraud committed by Meadow Valley, a public works contractor doing work for the City of Las Vegas. The fraud includes the intentional failure to install blow-off valves into the below-grade water mains. The information regarding this failure came from a Meadow Valley employee who states he was told by his supervisor to fake the installation. This was done by attaching the valve to a short copper piping that was inserted into the valve cover, making it appear it was connected to the water main. He presented material to demonstrate the fraud and the failure to comply with the specifications for the bid. This not only involves economic issues but public safety as well. The purpose of the valves is for inspection, as well as draining the line for repair and inspection. Water pressure problems affect residential and commercial areas. The information was presented due to a lack of an expeditious or effective complaint process under which Meadow Valley may be held accountable. This has happened at two sites, including Tenaya and Tropical Parkway and Azure and Tenaya.

He questioned how the situation got to this point and passed City inspectors and internal quality inspection people for Meadow Valley itself. There is no way to know how many valves were installed in this manner, at a cost savings for the company.

(4:53 - 4:58)

5-1532

JUAN GONZALES, Carpenters Contractors Cooperation Committee, 8930 West Tropicana Avenue, indicated that it is important that the City hold meetings to discuss the situation in greater detail. They have more pictures and video tape to present. A Water District inspector and SALVADOR PLACENTA, Carpenters Contractors Cooperation Committee, 8930 West Tropicana Avenue, inspected the valves, removed them and are taking them to the District to follow-up. There are other allegations regarding other projects for other Valley entities. Materials were sent directly to the Council previously, but additional copies were submitted at the meeting. MR. RELATI noted that the Water District was less concerned about the allegations and the flawed valves found and felt that the comments and problems were made by a disgruntled employee. Meadow Valley offered to go back and repair the issues. The problem is more complex given the location of the water mains and the number of projects involved.

COUNCILMAN MACK advised that he has discussed the matter with City staff and directed CHARLIE KAJKOWSKI to look into the matter.

(4:58 - 5:02)

5-1718

MINUTES - Continued:

LESLIE HABERLAND, 4201 South Decatur Boulevard, stated that she has been a resident of Las Vegas for more than a year and a half, having relocated from Los Angeles. She is a bartender and has worked at various hotel/casinos, and Treasures was the first gentleman's club she worked at. She is a professional and had previously avoided that type of facility because of the stereotype. She was worried for her safety and treatment. She found the stereotypes were not accurate for this business based on eight months of employment. In fact, she actually had patrons complain the club was not dirty enough and asked where they could find different action. At hiring, she was assured by the manager that her safety was critical to the company. She loved working there and made many friends. When negative issues were raised during the six-month review, she felt it was unfair that the Council did not investigate both sides of the story themselves. She encouraged the Council to reconsider. No other clubs in Las Vegas measure up to Treasures. The dancers, sometimes as many as 250, plus the 25 to 30 cocktail waitresses, are all unemployed. The volume of liquor sales and the positive sales tax impact benefit the City. Treasures was targeted because they were taking business from other businesses. Treasures did not contribute to campaigns. A complete, accurate investigation was not held, and both sides of the story were not examined. Treasures was railroaded out of their liquor license because of politics alone and for no other reason, certainly not based on operation. The Council is responsible for all these people being out of work. She should not suffer because of the political gain of the Council. As a registered voter, these types of politics will be a consideration the next time she votes.

(5:02 - 5:07)

5-1863

MEETING ADJOURNED AT 5:07 P.M.

**DeCARLO
CONNOR**
ATTORNEYS AT LAW

Desmond C. Lee
Email: dlee@deconsel.com

SENT VIA HAND DELIVERY

October 19, 2004

Oscar B. Goodman
Mayor City of Las Vegas
400 Steward Avenue
Las Vegas, Nevada 89101

Re: Meadow Valley Contractors

Dear Mr. Goodman:

Enclosed is a letter our office sent to John O'Connell, the Construction Manager Superintendent of the City of Las Vegas' Department of Public Works Civil Engineering Division. The letter details the fraud committed by Meadow Valley Contractors, a City of Las Vegas public works contractor, at two locations in the city.

As the letter explains, that fraud is Meadow Valley's installation of "fake" blow-off valves into below-ground water mains. Instead of installing the valves into the water main, Meadow Valley simply inserted them into the ground making it look like the valves were properly installed. This fraud gives rise to grave public safety concerns since, among other things, the valves can double as fire hydrants during a big fire. If the water needed from these valves is not available during such a fire, the loss of property and life can be calamitous.

We are forwarding you this letter due to the lack of any expedient and effective complaint process to remedy this fraud. We have brought this to the attention of a supervisor at the Las Vegas Water Valley District, but his indifference to this fraud prompted us to take this action. We urge that the city investigate all of Meadow Valley's current and past projects and that it provisionally suspend its relations with them pending investigation. We hope that this process will result in Meadow Valley being severely dealt with both economically and otherwise for the fraud and the public endangerment it has committed.

Very truly yours,
DeCARLO & CONNOR



Desmond C. Lee

Enclosure

Submitted at City Council

Date 10/20/04 Item Citizens
Participation

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DeCARLO
CONNOR
ATTORNEYS AT LAW

SENT VIA UPS/NEXT DAY DELIVERY

Desmond C. Lee
Email: dlee@deconsel.com

October 19, 2004

Mr. John O'Connell, P.E.
Construction Management Superintendent
Department of Public Works - City Engineering Division
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Meadow Valley Contractors

Dear Mr. O'Connell:

This office represents the Carpenters Contractors Cooperation Committee ("CCCC"). We write on its behalf to inform you of fraud committed by Meadow Valley Contractors, a public works contractor on a City of Las Vegas project. This fraud -- which involves Meadow Valley intentionally failing to install blow-off valves -- not only involves issues of an economic nature, but ones that could also affect public safety and the lives of the citizens of the Las Vegas. This is because, as will explained below, blow-off valves are meant to, among other things, double as fire hydrants. If these are not available to a fire department in the case of a big fire because a contractor like Meadow Valley deliberately refused to install such valves, the fraud it committed could result in the loss of lives. We are presenting this letter to you given the lack of any expedient and effective complaint process by which to hold Meadow Valley accountable. We urge that you look into Meadow Valley's current and past projects immediately, suspend Meadow Valley pending investigation, and take any and all appropriate to bring it to justice.

The CCCC is a joint labor management cooperation committee established pursuant to the Labor Management Cooperation Act of 1978. One of its purposes is to monitor prevailing wage projects to ensure that all contractors are complying with federal and state wage and hour laws. By doing this, contractors are kept accountable so that they do not gain a competitive advantage over other contractors who in fact do comply with such laws.

During the past few months, the CCCC's monitoring of a City of Las Vegas project has uncovered evidence that Meadow Valley was not connecting blow-off valves into below-ground water mains. Our evidence comes from a Meadow Valley employee himself that told us that his supervisor ordered him to "fake" the

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installation of the valves. He did this by simply attaching a valve to some copper piping and putting it into the ground, making it appear as if it were properly installed into the water main. This happened on at least

two Meadow Valley locations in Las Vegas, including valves that were supposed to be installed at the intersections of Tenaya and Tropical Parkway and Azure and Tenaya.

Setting aside the economic consequences that these "fake" valves will cost Meadow Valley under this state's false claim act laws, Nevada Revised Statutes §§ 357.010-357.250, these "fake" valves raise a panoply of other safety and public safety concerns. This is because a "fake" blow-off valve defeats the two critical purposes such valves are meant to serve. The first is to relieve water or air pressure that builds up in the water main and to clear out debris that could be lodged in the water main during construction. If such pressure is not relieved or the debris cleared, the excess pressure may damage piping in residential or commercial buildings the water flows to. In addition, the excess pressure may cause leakage in the water main. If this occurs, the resulting effluent weakens the ground beneath the road that covers the water main and creates a sinkhole. The public dangers this causes is, of course, obvious.

Secondly, a blow-off valve can serve as a fire hydrant during a big fire or when another hydrant is inaccessible. As with a sinkhole, the dangers posed by lack of a sufficient water supply during a fire are unspeakably evident. Not only does this pose the threat of extensive property damage, but it also puts at risk lives of persons who will die grisly deaths when the need for additional water is necessary.

We have verified his story by actually going to the jobsites and pulling out the valves with the attached copper piping ourselves. We then invited Philip Orme, an inspector with the Las Vegas Valley Water District, to come look at the "fake" valves. He confirmed our observations and was shocked at the revelation. He took the two "fake" valves we showed him and told us that he would show those valves to his superiors, namely Benny Scott. In speaking with Mr. Scott the next day, he, to our surprise and dismay, did not appear concerned. He thought that the Meadow Valley superintendent would deny the allegations and that there was nothing more to our allegations than that. We informed him that we had an employee that would testify to the fact that Meadow Valley managers not only knew about the "fake" valves, but ordered him to install them. He told us he would call us back, but did not. Therefore, we called him back on October 14 and was informed by Mr. Scott that he contacted Meadow Valley. He told us that Meadow Valley believed that the "fake" valves were the work of a disgruntled employee and that Meadow Valley would fix the "fake" valves at their own expense. In the process, Mr. Scott – whose agency was responsible for catching "fake" valves such as these – was trying to sweep this problem under the rug by suggesting that this was an isolated incident that did not warrant any pressing attention. Apart from this not being surprising given the glaring "fox guarding the chicken coop" scenario presented here, we are informed and believe that there are other Meadow Valley jobsites in which these "fake" valves have been installed. In view of this, we urge the city, in light of the serious concerns at issue in this case, concerns which are set forth below, to suspend all Meadow Valley operations and to inspect all their work forthwith.

Mr. John O'Connell, P.E.

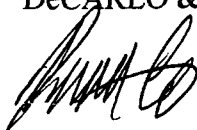
October 19, 2004

Page 3

We would like to speak with you more about this matter and can produce the evidence to support these allegations. Quite frankly, we are saddened by the appalling indifference exhibited by Mr. Scott regarding this matter. We hope that you will take action to bring to justice a contractor that not only is defrauding your city, but putting property and the lives of its citizens at risk.

Please contact us with any further questions.

Very truly yours,
DeCARLO & CONNOR



Desmond C. Lee

cc see attached list

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